

MAINE STATE LEGISLATURE

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L.D. 992
(Filing No. H- 664)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
SECOND REGULAR SESSION

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HOUSE AMENDMENT "A" to HOUSE AMENDMENT "A" to
H.P. 761, L.D. 992, "RESOLVE, to Reimburse David
James McDaniel for Damages Suffered as a Result of
Wrongful Imprisonment."

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Amend the amendment in section 1, in that part
designated "§8201." by adding at the end the follow-
ing:

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'3. Settlement. The Attorney General may com-
promise or settle any claim under this chapter.'

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Further amend the amendment in section 1, in that
part designated "§8202." by striking out all of sub-
section 6.

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STATEMENT OF FACT

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The purposes of this amendment are to:

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1. Insure that the Attorney General has the au-
thority to settle a claim for wrongful imprisonment
brought against the State; and

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2. Remove provisions for court-appointed counsel
for a claimant under the wrongful imprisonment chap-
ter. Since the action for wrongful imprisonment is a
civil action and not a criminal proceeding, a claim-
ant may make an arrangement for contingent fees with
an attorney under Maine Bar Rule 8. This means that
the attorney's fees for representation of the claim-
ant will be paid out of the damages from the State
for wrongful imprisonment if the claimant is success-
ful. The attorney's fees are therefore contingent on
successfully arguing the case. Under these condi-
tions, court-appointed counsel for the claimant is

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "A" to H.P. 761, L.D. 992

1 not necessary.

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Filed by Rep. Benoit of South Portland
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