

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1323

H.P. 976 House of Representatives, April 22, 1987
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Legal Affairs suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative ZIRNKILTON of Mount Desert.
Cosponsored by Representative FOSTER of Ellsworth and
Senator PERKINS of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 **Resolve, Authorizing Richard W. Kane or his**
2 **Legal Representative to Bring a Civil**
3 **Action Against the State.**
4

5 **Resolved:** That Richard W. Kane, or his legal
6 representative, who suffered damages due to the ineq-
7 uitable treatment by the State, may bring suit in the
8 Superior Court for the County of Hancock within one
9 year from the effective date of this resolve, at any
10 term of the court, against the State of Maine for
11 damages, if any. The complaint issuing out of the
12 Superior Court under the authority of this resolve
13 shall be served on the Secretary of State by attested
14 copy 30 days before a term of the court, either by a
15 sheriff or one of his deputies in any county in the
16 State of Maine. The conduct of the action shall be
17 according to the practice of actions and proceedings

1 between parties in the Superior Court and the liabil-
2 ities of the parties and elements of damage, if any,
3 shall be the same as the liabilities and elements of
4 damage between individuals. The Attorney General
5 shall appear, answer and defend any action. Any
6 judgment that may be recovered in this civil action
7 shall be payable from the State Treasury on final
8 process issued by Superior Court or, if appealed, the
9 Supreme Judicial Court. Costs may be taxed for Rich-
10 ard W. Kane if he recovers in this action.

11

STATEMENT OF FACT

12 This resolve allows Richard W. Kane to bring suit
13 against the State because of the damages he allegedly
14 suffered. In June of 1986, he was instructed to ob-
15 tain insurance, could find no carrier in the State
16 and received no help from the State in obtaining the
17 insurance and then was denied the opportunity to car-
18 ry on his business without insurance. Mr. Kane feels
19 that he was unfairly denied the opportunity to engage
20 in his business, especially in light of the manner in
21 which other individuals needing insurance have been
22 granted allowances by the State.

23

2401041387