

MAINE STATE LEGISLATURE

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L.D. 1687

(Filing No. H-300)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "**B**" to H.P. 1235, L.D. 1687,
"Resolve, Authorizing Dorothy Gammon to Bring Civil
Action Against the State and Cumberland County."

Amend the resolve in the 2nd paragraph after the
title in the 3rd line (page 2, line 3 in L.D.) by
striking out the following: "and damages" and insert-
ing in its place the following: 'of and damages
against the State and Cumberland County'

Further amend the resolve in the 3rd paragraph
after the title in the 3rd line from the end (page 2,
line 16 in L.D.) by striking out the following: "an
aggregate of \$50,000" and inserting in its place the
following: '\$50,000, except that, if either govern-
mental entity has procured insurance against liability,
that governmental entity may be liable to the
limits of the insurance coverage'

Further amend the resolve by striking out all of
the last paragraph before the Fiscal Note and in-
serting in its place the following:

'Notwithstanding this resolve, an action against
an employee of the State or Cumberland County shall
continue to be governed by the Maine Tort Claims Act,
the Maine Revised Statutes, Title 14, chapter 741.'

HOUSE AMENDMENT "**B**" to H.P. 1235, L.D. 1687

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STATEMENT OF FACT

2 This amendment makes 2 changes to clarify the
3 language of the resolve. First, the suit concerning
4 the liability and damages attributable to the State
5 and Cumberland County will be governed by the same
6 laws which apply to litigation between individuals.
7 Second, the resolve is clarified to make sure that
8 the liability and defenses of state and county em-
9 ployees as defined by the Maine Tort Claims Act are
10 not affected by the resolve, despite the fact that
11 the immunity of the State and county is waived.
12 Third, the amendment limits recovery to \$50,000 in
13 the aggregate, except when there is insurance cover-
14 age, in which case, recovery against a governmental
15 entity which is insured shall not exceed the amount
16 of any insurance coverage.

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Filed by Rep. Manning of Portland
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House
6/10/87 (Filing No. H-300)