

# MAINE STATE LEGISLATURE

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(After Deadline)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1829

S.P. 622

In Senate, June 11, 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.

JOY J. O'BRIEN, Secretary of the Senate

Presented by President PRAY of Penobscot.

Cosponsored by Representative MICHAUD of East Millinocket.

STATE OF MAINE

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

1                   Resolve, Authorizing Alton Dishon to Bring  
2                   Civil Action Against the Maine State  
3                   Retirement System.  
4

5                   Action against the Maine State Retirement Sys-  
6                   tem. Resolved: That, notwithstanding the Maine Tort  
7                   Claims Act, the Maine Revised Statutes, Title 14,  
8                   chapter 741, Alton Dishon, of East Millinocket, be  
9                   authorized to bring suit against the Maine State Re-  
10                  tirement System for lost benefits and future benefits  
11                  that may become due to him caused by alleged misrep-  
12                  resentation on the part of agents of the Maine State  
13                  Retirement System which have caused Alton Dishon sub-  
14                  stantial loss of income.

15                  Action is to be brought within one year of the  
16                  passage of this resolve in Superior Court of

1 Penobscot County. Liability and damages shall be deter-  
2 mined according to state law, just as in litigation  
3 tion between individuals.

4 Any judgment that may be awarded in this civil  
5 action against the Maine State Retirement System  
6 shall be payable from funds allocated to the Maine  
7 State Retirement System on final process issued by  
8 the Superior Court or, if applicable, the Supreme Ju-  
9 dicial Court. Total recovery by Alton Dishon from  
10 all sources in this civil action shall not exceed an  
11 aggregate of \$50,000. Hearing shall be before a Jus-  
12 tice of the Superior Court with or without a jury.

13 Nothing in this resolve may be construed to in-  
14 crease the limitations on liability of, or to dimin-  
15 ish the defenses of, any employee of the Maine State  
16 Retirement System under the Maine Tort Claims Act,  
17 the Maine Revised Statutes, Title 14, chapter 741.

18 FISCAL NOTE

19 If Alton Dishon is successful in this civil ac-  
20 tion, the award will be paid from funds allocated to  
21 the Maine State Retirement System.

22 STATEMENT OF FACT

23 This resolve authorizes Alton Dishon, of East  
24 Millinocket, to sue the Maine State Retirement Sys-  
25 tem, but limits that recovery to a total of no more  
26 than \$50,000. The \$50,000 limit is a total of damages  
27 paid by all sources, including any damages paid under  
28 an insurance policy. If successful in his suit,  
29 Alton Dishon may be awarded up to a total of \$50,000.

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