

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2208

H.P. 1615 House of Representatives, February 9, 1988

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Appropriations and
Financial Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative CROWLEY of Stockton Springs.

Cosponsored by Senator GOULD of Waldo.

STATE OF MAINE

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

1 RESOLVE, Authorizing Philip Wolley of
2 Searsport to Collect Compensation from
3 the State of Maine.
4

5 Compensation authorized. Resolved: That the
6 Governor is authorized and directed, upon receipt of
7 the necessary releases, to pay \$100,000 from
8 appropriated funds to Philip Wolley, of Searsport, as
9 compensation for expenses and attorneys' fees and
10 mental and emotional injuries he suffered as a result

1 of having been wrongfully prosecuted by the State on
2 criminal charges which were subsequently dismissed by
3 the State due to insufficient evidence. The \$100,000
4 payment authorized by this resolve shall be in full
5 satisfaction of all claims by Philip Wolley against
6 the State and its employees for damages resulting from
7 this incident.

8 STATEMENT OF FACT

9 Philip Wolley has worked for many years as a field
10 representative for the State Lottery Commission. On
11 April 30, 1984, he was discharged from his position
12 for alleged gross misconduct, i.e. misappropriation of
13 funds. On September 5, 1985, he was indicted on 2
14 theft charges. When his case came to trial on May 19,
15 1986, the State ultimately dismissed both charges
16 against Mr. Wolley due to insufficient evidence.
17 Additionally, Mr. Wolley was reinstated to his
18 position by award of an arbitrator dated April 10,
19 1987, who found that the State did not have just cause
20 to terminate his employment and had failed to show by
21 clear and convincing evidence that he had committed
22 the alleged offenses.

23 Throughout these proceedings, Mr. Wolley and his
24 wife have suffered emotional anguish and
25 embarrassment. He has incurred substantial expenses
26 for legal fees and related costs for the defense of
27 the criminal prosecution. Mr. Wolley was performing a
28 public service and was unjustly accused of
29 wrongdoing. The State is obligated to reimburse him
30 for his damages. This resolve attempts to redress
31 this injustice by compensating him for his damages
32 which resulted from this wrongful criminal prosecution.

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