MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 378

H.P. 266

House of Representatives, February 23, 1989

Reference to the Committee on Legal Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative DEXTER of Kingfield. Cosponsored by Senator WEBSTER of Franklin.

STATE OF MAINE

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

Resolve, Authorizing Oscar and Wandalyn Rae Thompson to Bring Suit Against the State of Maine.



Action against the State authorized. Resolved: That Oscar and Wandalyn Rae Thompson of Phillips, County of Franklin are authorized to bring suit against the State of Maine, for damages caused by the alleged unauthorized use of their vehicle by a foster child who was involved in an automobile accident in November 1987.

This action is to be brought in the Superior Court for the County of Franklin within one year from the passage of this resolve, against the State of Maine for damages, if any, and the conduct of this action shall be according to the practice of actions or proceedings between parties in the Superior Court. The liabilities of the parties and elements of damages, if any, shall be the same as liabilities and elements of damage as between individuals. The complaint issuing out of the Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy by the sheriff or the sheriff's deputies in any county in the State of Maine. The Attorney General is authorized and designated to appear, answer and defend this action.

Any judgment that may be recovered in this civil action shall be payable from the State Treasury on file process issued by the Superior Court. Recovery shall not exceed \$3,000, including costs. Hearing thereon shall be before a Justice of the Superior Court with or without jury; the justice to be the regularly scheduled justice presiding in the Franklin County Superior Court when the matter is scheduled for trial.

STATEMENT OF FACT

This resolve will allow Oscar and Wandalyn Rae Thompson of Phillips to bring civil action against the State of Maine.

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