

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1906

H.P. 1375

House of Representatives, December 12, 1989

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

Received by the Clerk of the House on December 12, 1989. Referred to the Committee on Legal Affairs and 1600 ordered printed pursuant to Joint Rule 14.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative CROWLEY of Stockton Springs.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

Resolve, Authorizing Philip Wolley of Searsport to Bring Suit against
the State of Maine.

Philip Wolley; authorized to sue the State of Maine. Resolved: That
Philip Wolley of Searsport, County of Waldo and State of Maine,
be authorized to bring suit against the State of Maine for
\$100,000 as compensation for expenses and attorney's fees and
mental and emotional injuries he suffered as a result of having
been wrongfully prosecuted by the State on criminal charges which
were subsequently dismissed by the State due to insufficient
evidence.

This action is to be brought in the Superior Court for the
County of Waldo 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 final process issued
by the Superior Court. Recovery shall not exceed \$100,000,
including costs. This hearing shall be before a Justice of the
Superior Court with or without jury; the justice shall be the
regularly scheduled justice presiding in the Waldo County
Superior Court when the matter is scheduled for trial.

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STATEMENT OF FACT

This resolve allows Philip Wolley to bring suit against the
State because of the damages he allegedly suffered. In April of
1984, Mr. Wolley was accused of misappropriation of funds and
discharged from his position with the State Lottery Commission.
The charges were dismissed due to insufficient evidence. Mr.
Wolley feels that because of these charges a series of serious
offenses were committed against him.