MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2452

H.P. 1782

House of Representatives, March 27, 1990

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.

EDWIN H. PERT, Clerk

Presented by Representative KILKELLY of Wiscasset. Cosponsored by Senator HOLLOWAY of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

Resolve, Authorizing the Alna Store, Incorporated and Its Proprietors to Sue the State.

(AFTER DEADLINE)



Alna Store, Incorporated and its proprietors, Bruce and Anne Young; authorized to sue the State. Resolved: That, notwithstanding any law or common law to the contrary, Alna Store, Incorporated and its proprietors, Bruce and Anne Young who claim to have suffered damages as a result of their reliance on an order by the Department of Environmental Protection to remove underground gasoline tanks 5 years before they were legally required to do so, resulting in a loss of income, are authorized to bring suit against the State.

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This action must be brought within one year from the effective date of this resolve in the Lincoln County Superior Court. Liability and damages, including punitive damages, must be determined according to state law, as in litigation between individuals.

Any judgment, costs and interest that may be recovered in this civil action are payable from the State Treasury on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Recovery may not exceed \$75,000, including costs. The hearing must be before a Justice of the Superior Court, with or without jury. The action is governed by the Maine Rules of Civil Procedure.

STATEMENT OF FACT

This resolve allows the Alna Store, Incorporated and its proprietors, Bruce and Anne Young to bring a civil action against the State.