

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 24

H.P. 21

House of Representatives, December 10, 1990

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative DiPIETRO of South Portland.
Cosponsored by Senator GILL of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**Resolve, Authorizing Mark Tamecki to Bring a Civil Action against the
State.**



2 **Authorization to sue the State. Resolved:** That, notwithstanding
3 any statute or common law to the contrary, Mark Tamecki, or his
4 legal representative, who claims to have suffered damages as a
5 result of an alleged clerical error in title records maintained
6 by the Department of the Secretary of State, Division of Motor
7 Vehicles, is authorized to bring a civil action against the State
8 of Maine, but not against individual past or present employees of
9 the State.

10 This action may be brought in the Cumberland County Superior
11 Court within one year from the date this resolve is approved.
12 Liability and damages, including punitive damages, must be
13 determined according to state law as in litigation between
14 individuals. The action may be heard by a Justice of the
15 Superior Court or by a jury. The Maine Rules of Civil Procedure
16 govern the conduct of the action. The Attorney General shall
17 appear, answer and defend the action.

18 The Treasurer of State shall pay any judgment, including
19 costs and interest, on final process issued by the Superior Court
20 or, if applicable, the Supreme Judicial Court. Recovery may not
21 exceed \$75,000, including costs and interest.

24 **STATEMENT OF FACT**

25 This resolve authorizes Mark Tamecki to sue the State for
26 damages resulting from an alleged clerical error in title records
27 maintained by the Division of Motor Vehicles, which resulted in
28 Mr. Tamecki's gross overpayment for a 1979 model truck and in the
29 payment of higher insurance coverage and excise tax.
30