

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 349,  
L.D. 951, "Resolve, Authorizing Sarah Leighton, Peter Nilsen and  
Linda Nilsen to Bring a Civil Action against the Town of Casco"

Amend the amendment in section 1 in the last line (page 1,  
line 34 in amendment) by striking out the following: "School;"  
and inserting in its place the following: 'School. School  
Administrative District #61 is obligated to pay all such expenses  
incurred before Colleen Nilsen's 21st birthday, except that  
School Administrative District #61 is not obligated to pay that  
portion of the expenses incurred after the effective date of this  
resolve that exceeds \$10,000;'

Further amend the amendment by striking out all of sections  
2 and 3 and inserting in their place the following:

**'Sec. 2. Waiver of statutory requirements. Resolved:** That if,  
for any reason, School Administrative District #61 does not  
accept the obligation to pay under section 1 of this resolve by  
January 1, 1992, the limitations on actions against a  
governmental entity provided in the Maine Revised Statutes, Title  
14, section 8110 and the notice requirement provided in Title 14,  
section 8107 are waived for the purposes of determining the  
liability of School Administrative District #61 for an injury to  
Colleen Nilsen on or about October 16, 1985 at Crooked River  
School. This action may be brought in the Cumberland County  
Superior Court within one year from the effective date of this  
resolve. Liability and damages, including punitive damages, must  
be determined according to state law as in litigation between  
individuals. The action may be heard by a Justice of the  
Superior Court or by a jury. The Maine Rules of Civil Procedure  
govern the conduct of the action. School Administrative District  
#61 shall pay any judgment, including costs and interest, on  
final process issued by the Superior Court or, if applicable, the  
Supreme Judicial Court.'

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### STATEMENT OF FACT

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6 This amendment clarifies that the \$10,000 limit on liability  
8 and the limit of liability before Colleen Nilsen's 21st birthday  
10 apply only to the instance when liability is paid without a  
12 lawsuit. The amendment also requires that School Administrative  
District #61 act on accepting the obligation to pay by January 1,  
1992 and specifies the timing and location of any lawsuit  
indicated under section 2 of the resolve.

Filed by Rep. Lawrence of Kittery  
Reproduced and distributed under the direction of the Clerk of the  
House  
(6/10/91) (Filing No. H-602)