MAINE STATE LEGISLATURE

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L.D. 951

2 (Filing No. S- 200) б STATE OF MAINE SENATE 8 115TH LEGISLATURE FIRST REGULAR SESSION 10 12 COMMITTEE AMENDMENT "A" to S.P. 349, L.D. 951, "Resolve, Authorizing Sarah Leighton, Peter Nilsen and Linda Nilsen to 14 Bring a Civil Action against the Town of Casco" 16 Amend the resolve by striking out the title and substituting 18 the following: 20 'Resolve, Providing a Waiver of Certain Statutory Time Limits and Providing that School Administrative District #61 is Liable for . 22 Bodily Injury to Colleen Nilsen' Amend the resolve by striking out everything after the title 24 and before the statement of fact and inserting in its place the 26 following: 'Sec. 1. Liability of School Administrative District #61. Resolved: 28 That School Administrative District #61 is liable for, and is legally obligated to pay, all medical and dental expenses, 30 including expenses for qum reconstruction and denture work, 32 incurred by Sarah Leighton, Peter Nilsen and Linda Nilsen as a result of an injury to Colleen Nilsen on or about October 16, 34 1985 at Crooked River School; and be it further Sec. 2. Waiver of statutory requirements. Resolved: That if, for 36 any reason, School Administrative District #61 does not or can not pay the expenses required by section 1 of this resolve, the 38 limitations on actions against a governmental entity provided in the Maine Revised Statutes, Title 14, section 8110 and the notice 40 requirement provided in Title 14, section 8107 are waived for the 42 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; and be it further 44

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Sec. 3. Limit on damages. Resolved: That liability as a result of this resolve does not extend beyond Colleen Nilsen's 21st birthday and the total liability under this resolve may not exceed \$10,000.

FISCAL NOTE

This resolve provides a waiver of certain statutory requirements and would permit an action to be submitted to the courts. The Judicial Department can absorb the additional work load and administrative costs associated with this individual case, should it be brought before the courts. Given the high cost of jury trials, a General Fund appropriation may be necessary once the cumulative effect of all legislation affecting civil jury trials is known.'

STATEMENT OF FACT

This amendment strikes the language of the resolve authorizing suit against School Administrative District #61, the State, the Town of Casco and individual employees and replaces it with a statement that School Administrative District #61 is liable for the medical expenses incurred as a result of the injury to Colleen Nilsen. Alternatively, if the school district does not fulfill the obligations stipulated by this resolve, there is a waiver of the statute of limitations and the notice requirement of the Maine Tort Claims Act. Liability in either case is limited to \$10,000. This amendment adds a fiscal note to the resolve.

Reported by Senator Mills for the Committee on Legal Affairs. Reproduced and Distributed Pursuant to Senate Rule 12. (5/22/91) (Filing No. S-200)