MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 951

S.P. 349

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JOY J. O'BRIEN Secretary of the Senate

Presented by Senator CONLEY of Cumberland

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

Resolve, Authorizing Sarah Leighton, Peter Nilsen and Linda Nilsen to Bring a Civil Action against the Town of Casco.



Authorization to sue the Town of Casco. Resolved: That, notwithstanding any statute or common law to the contrary, Sarah Leighton, Peter Nilsen and Linda Nilsen, individually and as parents of Colleen Nilsen who claims to have suffered damages as a result of an injury on or about October 16, 1985, at Crooked River School, Casco, Maine, are authorized to bring a civil action against the State, School Administrative District 61 and against individual past or present employees of the State and School Administrative District 61.

This action may be brought in the Cumberland County Superior Court within one year from the date this resolve is approved. 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.

The Town of Casco, Maine shall pay any judgment, including costs and interest, on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Recovery may not exceed \$300,000, including costs and interest.

STATEMENT OF FACT

This resolve authorizes Sarah Leighton, Peter Nilsen and Linda Nilsen, both individually and as parents to Colleen Nilsen to sue the Town of Casco for damages resulting from alleged acts and omissions of the town, its agents and employees concerning Colleen Nilsen's injury of October 16, 1985 at Crooked River School, Casco. The maximum authorized recovery is \$300,000.