

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 962

S.P. 360

Received by the Secretary, March 6, 1991

Referred to the Committee on Legal Affairs and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PEARSON of Penobscot

STATE OF MAINE

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

Resolve, to Allow Scott Keirstead and Don Keirstead, Who Are a Partnership Farming Operation Located in Presque Isle, Known as Keirstead Farm, to Bring a Civil Action against the State.



2 **Authorization to sue the State. Resolved:** That, notwithstanding
any statute or common law to the contrary, Scott Keirstead and
4 Don Keirstead, or their legal representative, who claim to have
suffered damages as a result of alleged negligence by the
6 Department of Agriculture, Food and Rural Resources in the
process of inspecting and analyzing potatoes, are authorized to
8 bring a civil action against the State, but not against
individual past or present employees of the State.

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

18 The Treasurer of State shall pay any judgment, including
20 costs and interest, on final process issued by the Superior Court
or, if applicable, the Supreme Judicial Court.

22
24 **STATEMENT OF FACT**

26 This resolve authorizes Scott Keirstead and Don Keirstead to
sue the State for damages resulting from alleged negligence by
28 the Department of Agriculture, Food and Rural Resources in the
process of inspecting and analyzing potatoes.