## MAINE STATE LEGISLATURE

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# 115th WAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

### Legislative Document

No. 981

H.P. 682

House of Representatives, March 8, 1991

Received by the Clerk of the House on March 6, 1991. Referred to the Committee on Legal Affairs and 1400 ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative LOOK of Jonesboro. Cosponsored by Senator VOSE of Washington.

#### STATE OF MAINE

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

Resolve, Authorizing Peter K. Sweck of Columbia Falls to Bring a Civil Action against the State.



Authorization to sue the State. Resolved: That, notwithstanding
any statute or common law to the contrary, Peter K. Sweck, or his
legal representative, who claims to have suffered damages as a
result of deer allegedly damaging his blueberry field, is
authorized to bring a civil action against the State, but not
against individual past or present employees of the State.

This action may be brought in the Washington 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 Attorney General shall appear, answer and defend the action.

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The Treasurer of State 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 \$75,000, including costs and interest.

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### STATEMENT OF FACT

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This resolve authorizes Peter K. Sweck to sue the State for damages resulting from alleged damage to his blueberry field by deer.

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