



115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2054

H.P. 1442

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Legal Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MELENDY of Rockland.

STATE OF MAINE

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

Resolve, Authorizing Elizabeth Penney to Sue the State.

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Authorization to sue the State. Resolved: That, notwithstanding any statute or common law to the contrary, Elizabeth Penney, or her legal representative, who claims to have suffered damages as a result of an injury sustained in 1991 at the Fort Knox Historic Site, is authorized to bring a civil action against the State of Maine, but not against individual past or present employees of the State.

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

18 The Treasurer of State shall pay any judgment, including costs and interest, upon final process issued by the Superior 20 Court or, if applicable, the Supreme Judicial Court. Recovery may not exceed \$10,000, including costs and interest.

STATEMENT OF FACT

This resolve authorizes Elizabeth Penney to sue the State 28 for damages resulting from an injury allegedly sustained at the Fort Knox Historic Site. The maximum authorized recovery is 30 \$10,000.

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