# MAINE STATE LEGISLATURE

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## 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

### Legislative Document

No. 2058

H.P. 1446

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 MAHANY of Easton.

### STATE OF MAINE

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

Resolve, Authorizing Fred Bubar, Thomas Bubar, Clifford Bubar, Galen Helstrom, Gary Helstrom and Gene Helstrom to Sue the State.



Authorization to sue the State. Resolved: That, notwithstanding any statute or common law to the contrary, Fred Bubar, Thomas Bubar, Clifford Bubar, Galen Helstrom, Gary Helstrom and Gene Helstrom, or their legal representatives, who claim to have suffered damages as a result of alleged negligence by the Department of Agriculture, Food and Rural Resources in the process of inspecting and analyzing potatoes, are authorized to bring a civil action against the State of Maine, but not against individual past or present employees of the State.

This action may be brought in the Aroostook 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.

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

#### STATEMENT OF FACT

This resolve authorizes Fred Bubar, Thomas Bubar, Clifford Bubar, Galen Helstrom, Gary Helstrom and Gene Helstrom to sue the State for damages resulting from alleged negligence by the Department of Agriculture, Food and Rural Resources in the process of inspecting and analyzing potatoes.