

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 7

S.P. 17

In Senate, January 5, 1993

Reference to the Committee on Legal Affairs suggested and ordered printed.

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

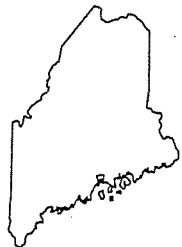
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TITCOMB of Cumberland
Cosponsored by Representative LORD of Waterboro.

STATE OF MAINE

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

**Resolve, to Allow Neal and Linda Chute to Bring an Action against the
State.**



Sec. 1. Authorization to sue the State. Resolved: That, notwithstanding any statute or common law to the contrary, Neal and Linda Chute, of Limington, or their legal representatives, who claim to have suffered damages as a result of reliance on advice allegedly given by the Department of Human Services, are 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 Cumberland County Superior Court within one year from the date this resolve is approved. Liability and damages must be determined according to state law as in litigation between individuals. Recovery for actual damages is limited to \$2,812, plus costs and interest, and attorney's fees incurred by Neal and Linda Chute as a result of their reliance on the alleged advice, including any attorney's fees incurred in prosecuting the action authorized by this resolve. 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, on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court.

STATEMENT OF FACT

This resolve authorizes Neal and Linda Chute to sue the State for damages resulting from reliance on advice allegedly given by the Department of Human Services.