

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

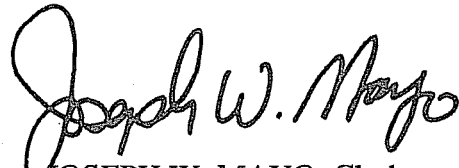
Legislative Document

No. 32

H.P. 29

House of Representatives, January 12, 1993

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


JOSEPH W. MAYO, Clerk

Presented by Representative SKOGLUND of St. George.

Cosponsored by Representative SPEAR of Nobleboro, Representative TOWNSEND of Eastport and Senator PINGREE of Knox.

STATE OF MAINE

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

**Resolve, Authorizing Albert W. Hallowell to Bring a Civil Action
against the State.**



2 **Sec. 1. Authorization to sue the State. Resolved:** That,
notwithstanding any statute or common law to the contrary, Albert
4 W. Hallowell, or his legal representative, who claims to have
suffered damages as a result of the State's failure to properly
6 pay overtime compensation between 1975 and 1983, is authorized to
bring a civil action against the State, but not against
individual past or present employees of the State.

8
10 This action may be brought in the Knox County Superior Court
within one year from the date this resolve is approved.
12 Liability and damages must be determined according to state law
as in litigation between individuals. Recovery for actual
14 damages is limited to \$9,845.89, plus costs and interest. The
action may be heard by a Justice of the Superior Court or by a
16 jury. The Maine Rules of Civil Procedure govern the conduct of
the action. The Attorney General shall appear, answer and defend
the action.

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

24
STATEMENT OF FACT

26
28 This resolve authorizes Albert W. Hallowell to sue the State
for damages of \$9,845.89 for amounts Mr. Hallowell alleges are
30 due him in unpaid compensation for overtime worked as a boat
captain for the Department of Marine Resources.