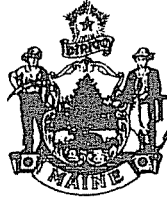


MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1265

S.P. 408

In Senate, April 15, 1993

Resolve, Authorizing Philip E. Wolley to Bring Suit against the State.

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

2 **Sec. 1. Authorization to sue the State. Resolved:** That,
notwithstanding any statute or common law to the contrary, Philip
4 E. Wolley, or his legal representative, who claims to have
suffered damages as a result of having been wrongfully prosecuted
6 by the State on criminal charges that were subsequently dismissed
by the State, is authorized to bring a civil action against the
8 State of Maine, but not against individual past or present
employees of the State.

10 This action may be brought in the Penobscot County Superior
Court within one year from the date this resolve is approved.
12 Liability and damages, including punitive damages, must be
determined according to state law as in litigation between
14 individuals. The action may be heard by a Justice of the
Superior Court or by a jury. The Maine Rules of Civil Procedure
16 govern the conduct of the action. The Attorney General shall
appear, answer and defend the action.
18

The Treasurer of State shall pay any judgment, including
20 costs and interest, on final process issued by the Superior Court
or, if applicable, the Supreme Judicial Court. Recovery may not
22 exceed \$75,000, including costs and interest.

24 **STATEMENT OF FACT**

26 This resolve authorizes Philip E. Wolley to sue the State
for the costs and expenses that he allegedly incurred in
28 connection with his dismissal from employment. Mr. Wolley was
30 accused of misappropriation of funds and discharged from his
position with the State Lottery Commission. The charge was later
32 dismissed.