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Legislative Document

No. 764

H.P. 563

House of Representatives, March 9, 1995

Resolve, Authorizing Norman Davis to Sue the State for Wrongful Suspension of a Driver's License.

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

OSEPH W. MAYO, Clerk

Presented by Representative RICE of South Bristol. (By Request)

Sec. 1. Authorization to sue the State. Resolved: That, notwithstanding any statute or common law to the contrary, Norman Davis, or his legal representative, who claims to have suffered damages as a result of the wrongful suspension of his driver's license by the State, is 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 Lincoln 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.

18 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. Recovery may not exceed \$75,000, including costs and interest.

24 STATEMENT OF FACT

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26 This resolve authorizes Norman Davis to sue the State for the damages that he allegedly suffered in connection with the 28 suspension of his driver's license.

L.D.764