

MAINE STATE LEGISLATURE

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L.D. 1519

DATE: 6/16/95

(Filing No. H-523)

MAJORITY
LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1077, L.D. 1519, "Resolve, to Allow Jose Gonzales to Bring an Action Against the State"

Amend the resolve in section 1 in the 2nd paragraph by striking out all of the 2nd sentence (page 1, lines 12 to 14 in L.D.) and inserting in its place the following: 'Liability and damages must be determined according to state law as in litigation between individuals. The award of damages, which may include punitive damages, may not exceed the \$300,000 limit established by the Maine Revised Statutes, Title 14, section 8105.'

Further amend the resolve by inserting at the end before the statement of fact the following:

FISCAL NOTE

This resolve allows the State to be sued up to a maximum amount of \$300,000, including punitive damages. If the plaintiff is successful, a General Fund appropriation for the recovery will be necessary. The amount and timing of the appropriation will depend on when the suit is filed and its outcome.

The Department of the Attorney General and the Department of Professional and Financial Regulation, Manufactured Housing Board can absorb the additional costs of defending this claim within existing resources.

The Judicial Department can absorb the additional workload and administrative costs associated with this individual case within its existing resources. An additional filing fee will increase General Fund revenue by a minor amount.'

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COMMITTEE AMENDMENT "A" to H.P. 1077, L.D. 1519

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STATEMENT OF FACT

4

6 This amendment provides that the \$300,000 limit on damages
8 contained in the Maine Tort Claims Act applies to the action
brought under this resolve. The amendment also adds a fiscal
note to the resolve.