MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1519

H.P. 1077

House of Representatives, May 11, 1995

Resolve, to Allow Jose Gonzales to Bring an Action Against the State.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Speaker GWADOSKY of Fairfield.

Sec. 1. Authorization to sue the State. Resolved: That,

notwithstanding any statute or common law to the contrary, Jose
Gonzales, or his legal representative, who claims to have

suffered damages as a result of the wrongful suspension of his
business license by the Department of Professional and Financial
Regulation, Manufactured Housing Board 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 Somerset 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.

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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.

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STATEMENT OF FACT

This resolve authorizes Jose Gonzales to sue the State for the damages that he allegedly suffered in connection with the suspension from April 30, 1992 to September 22, 1992 by the Department of Professional and Financial Regulation, Manufactured Housing Board of his business license.