

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 254

H.P. 201

House of Representatives, January 21, 1997

Resolve, Authorizing Robert O'Malley to Sue the State.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TOWNSEND of Portland.
Cosponsored by Senator ABROMSON of Cumberland and
Representative MUSE of South Portland, Senator: RAND of Cumberland.

Sec. 1. Robert O'Malley; authorized to sue the State. Resolved:

2 That, notwithstanding any statutes or common laws to the
contrary, Robert O'Malley, who claims to have suffered damages as
4 a result of prosecution by the Department of the Attorney
General, is authorized to bring suit against the State and
6 against individual past and present employees of the Department
of the Attorney General who are covered by a liability.

8
10 This action must be brought within one year from the passage
of this resolve in the Cumberland County Superior Court.
Liability and damages including punitive damages must be
12 determined according to state law, as in litigation between
individuals.

14
16 Any judgment costs and interest that may be recovered in
this civil action are payable from the State Treasury within 30
days of an execution being issued by the Cumberland County
18 Superior Court. Recovery may not exceed \$250,000, including
costs against the State, and may not exceed the amount of
20 liability insurance coverage of individual employees of the
Department of the Attorney General. Hearing must be before a
22 Justice of the Superior Court, with or without jury. The action
is governed by the Maine Rules of Civil Procedure.

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26
28 **SUMMARY**

30 This resolve authorizes Robert O'Malley to sue the State and
individual past and present employees of the Department of the
32 Attorney General who are covered by a liability insurance policy
or policies. The resolve authorizes Robert O'Malley to recover
damages up to \$250,000.