MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2052

H.P. 1461

House of Representatives, January 15, 1998

Resolve, Authorizing Dan Corey and Nu Seed Corporation of Monticello to Sue the State of Maine.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater. Cosponsored by Senator KIEFFER of Aroostook and

Representatives: AHEARNE of Madawaska, BELANGER of Wallagrass, BELANGER of Caribou, CLUKEY of Houlton, DONNELLY of Presque Isle, JOY of Crystal, KNEELAND of Easton, O'NEAL of Limestone.

Sec. 1. Authorization to sue the State. Resolved: That, notwithstanding any statute or common law to the contrary, Dan Corey and Nu Seed Corporation of Monticello, or their legal representative, who claim to have suffered damages as a result of the wrongful closing down of their potato operations by the State, are 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 Aroostook 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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SUMMARY

This resolve authorizes Dan Corey and Nu Seed Corporation to sue the State for the damages that they allegedly suffered in connection with the closing down of their potato operations, resulting in a loss of a crop and great monetary damages.