

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

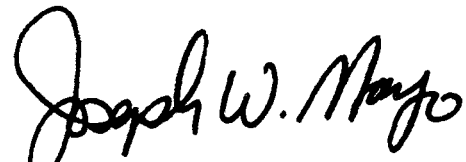
No. 620

H.P. 457

House of Representatives, January 26, 1999

Resolve, to Allow James E. Segien of Eastport to Sue the State and the Town of Eastport.

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


JOSEPH W. MAYO, Clerk

Presented by Representative GOODWIN of Pembroke.

Sec. 1. Authorization to sue the State and the Town of Eastport.

2 **Resolved:** That, notwithstanding any law to the contrary, James
4 Segien of Eastport, or his representative, who claims to have
6 suffered damages from the sewage outfall to his pier, the
Northeast Marina and Fuel Depot, from the Eastport municipal
sewage treatment plant, is authorized to bring a civil action
against the State and the Town of Eastport.

8
10 This action may be brought in the Washington County Superior
Court within one year from the date this resolve is approved.
12 Liability and damages must be determined according to state law
as in litigation between individuals and the fact finder shall
14 determine what, if any, apportionment of liability goes against
each defendant. The action may be heard by a Justice of the
Superior Court or by a jury. The Maine Rules of Civil Procedure
16 govern the conduct of the action. The Attorney General and the
Town of Eastport's attorney hired pursuant to the Maine Revised
18 Statutes, Title 30-A, section 2002 shall appear, answer and
defend the action against the State and the Town of Eastport,
20 respectively.

22 The Treasurer of State and the Town of Eastport's treasurer
shall pay any judgment, including costs and interest, on final
24 process issued by the Superior Court or, if applicable, the
Supreme Judicial Court. Recovery may not exceed \$50,000
26 including costs and interest.

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SUMMARY

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32 This resolve allows James Segien of Eastport to sue the
State and the Town of Eastport for damage done to his pier by the
sewage outfall from Eastport's municipal sewage treatment plant.