

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1124

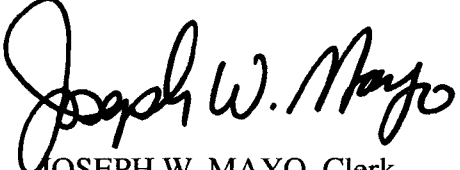
H.P. 801

House of Representatives, February 9, 1999

Resolve, to Allow David Prentiss to Sue the State.

(EMERGENCY)

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


JOSEPH W. MAYO, Clerk

Presented by Representative O'NEAL of Limestone.
Cosponsored by Senator CAREY of Kennebec and
Representatives: AHEARNE of Madawaska, CLARK of Millinocket, KNEELAND of Easton,
SIROIS of Caribou, TRACY of Rome, WHEELER of Bridgewater, Senators: KIEFFER of
Aroostook, PARADIS of Aroostook.

2 **Emergency preamble.** Whereas, Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

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6 **Whereas,** David Prentiss owns business property that was
incorrectly labeled as contaminated by the Department of
Environmental Protection; and

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10 **Whereas,** although the Department of Environmental Protection
corrected the error, David Prentiss incurred substantial loss due
to the mislabeling error; and

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14 **Whereas,** because David Prentiss's livelihood was so gravely
affected, this legislation needs to be enacted as an emergency
measure in order for court action to commence in a timely manner;
and

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18 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, be it

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24 **Sec. 1. David Prentiss; authorized to sue the State. Resolved:**
That, notwithstanding any statutes or common laws to the
contrary, David Prentiss, who claims to have suffered damages as
a result of an error by the Department of Environmental
Protection, is authorized to bring suit against the State.

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

36 Any judgment costs and interest recovered in this civil
action are payable from the State Treasury within 30 days of an
38 execution being issued by the Aroostook County Superior Court.
Recovery may not exceed \$70,000, including costs against the
40 State. Hearing must be before a Justice of the Superior Court,
with or without jury. The action is governed by the Maine Rules
42 of Civil Procedure.

44 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.
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SUMMARY

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This resolve authorizes David Prentiss to sue the State. The resolve authorizes David Prentiss to recover damages up to \$70,000 that were incurred due to the mislabeling by the Department of Environmental Protection of his business property as contaminated.

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