

# MAINE STATE LEGISLATURE

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R. O. S.

L.D. 1728

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DATE: April 29, 1999

(Filing No. S- 154 )

**LEGAL AND VETERANS AFFAIRS**

Reported by:

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 605, L.D. 1728, "Resolve, Authorizing Certain Members of the Sullivan Family to Bring Suit Against the State"

Amend the resolve by striking out the title and substituting the following:

**'Resolve, Authorizing Certain Members of the Sullivan Family to Bring Suit Against Waldo County'**

Further amend the resolve by inserting before section 1 the following:

**'Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the resolve in section 1 in the first paragraph in the last 2 lines (page 1, lines 7 and 8 in L.D.) by striking out the following: "the State" and inserting in its place the following: 'Waldo County'

Further amend the resolve in section 1 in the 2nd paragraph in the 7th line by striking out the following: "Attorney General" and inserting in its place the following: 'District Attorney of Waldo County'

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT " A" to S.P. 605, L.D. 1728

2 Further amend the resolve in section 1 in the last paragraph  
in the first line (page 1, line 19 in L.D.) by striking out the  
4 following: "Treasurer of State" and inserting in its place the  
following: 'treasurer of Waldo County' and in the 4th line by  
6 striking out the following: "or the applicable insurance policy  
limits"

8 Further amend the resolve by inserting at the end before the  
summary the following:  
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12 **FISCAL NOTE**

14 This resolve authorizes Waldo County to be sued up to a  
maximum amount of \$3,000,000, including costs and interest. If  
16 the plaintiff is successful, Waldo County will be required to pay  
the amount of the recovery.  
18

20 Waldo County will be required to defend itself in court.  
This authorization may represent a state mandate pursuant to the  
22 Constitution of Maine. The additional local costs can not be  
determined at this time. Pursuant to the Mandate Preamble, the  
24 two-thirds vote of all members elected to each House exempts the  
State from the constitutional requirement to fund 90% of the  
additional local costs.  
26

28 The Judicial Department can absorb the additional workload  
and administrative costs associated with this individual case  
30 within its existing resources. An additional filing fee will  
increase General Fund revenue by a minor amount.'

32  
34 **SUMMARY**

36 This amendment, which is the majority report of the Joint  
Standing Committee on Legal and Veterans Affairs:  
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- 40 1. Modifies the resolve to authorize a suit against Waldo  
County rather than the State;
- 42 2. Adds a mandate preamble to the resolve;
- 44 3. Removes language limiting recovery to the applicable  
insurance policy limits;
- 46 4. Changes the title to reflect the changes to the resolve;
- 48 and
- 50 5. Adds a fiscal note.