

MAINE STATE LEGISLATURE

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L.D. 1728

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DATE: 4-13-00

(Filing No. H-1123)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

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

Amend the amendment by striking out everything after the substitute title and before the summary and inserting in its place the following:

'Further amend the resolve by striking out all of section 1 and inserting in its place the following:

'Sec. 1. Limit on damages. Resolved: That, notwithstanding the Maine Revised Statutes, Title 14, section 8105, subsection 1, the limit on damages, including costs and interest, is \$1,000,000 in any suit brought by John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan, who claim to have suffered damages as a result of an automobile accident that occurred July 2, 1998 on Route 131 in Waldo due to the negligence of an employee of the Waldo County Sheriff's Department. Waldo County may not be ordered to pay more than a total of \$300,000 and the State may not be ordered to pay more than a total of \$700,000 for all claims authorized by this resolve.

This action may be brought in the Waldo 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. This 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

HOUSE AMENDMENT

RMS

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2 appear, answer and defend the action on behalf of the State and
the District Attorney of Waldo County shall appear, answer and
4 defend the action on behalf of Waldo County.

6 The Treasurer of State shall pay any judgment against the
State, including costs and interest, on final process issued by
the Superior Court or, if applicable, the Supreme Judicial
8 Court. The Treasurer of Waldo County shall pay any judgment
against Waldo County, including costs and interest, on final
10 process issued by the Superior Court or, if applicable, the
Supreme Judicial Court.' '

14 **FISCAL NOTE**

16 This amendment removes the mandate preamble since the
authorization contained in the amendment does not represent a
18 state mandate pursuant to the Constitution of Maine. It
maintains the provisions that allow Waldo County to be sued up to
20 a maximum of \$300,000 and the State to be sued up to a maximum of
\$700,000.

22 **SUMMARY**

24 This amendment incorporates the changes made by Committee
26 Amendment "B," clarifies that the liability assessed against the
State and Waldo County is limited to \$700,000 for the State and
28 \$300,000 for Waldo County and limits the waiver of immunity to an
increase of the cap on damages from \$400,000 to \$1,000,000.

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34 SPONSORED BY: 
(Representative CHIZMAR)

36 TOWN: Lisbon
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