

MAINE STATE LEGISLATURE

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M.H.S.

L.D. 1728

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DATE: 4/8/2000

(Filing No. S-682)

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

SENATE AMENDMENT "D" 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 everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Authorized to sue Waldo County and State; limit on damages. Resolved: That, notwithstanding any statute or common law to the contrary, 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, are authorized to bring a civil action against Waldo County and the State. The limit on damages, including costs and interest, is \$1,000,000. Waldo County may not be ordered to pay more than \$300,000. The State may not be ordered to pay more than \$700,000. If Waldo County is liable for an amount greater than \$300,000, the State shall pay the amount that exceeds \$300,000, except that the amount paid by the State, when added to the amount, if any, the State is ordered to pay on the basis of its own liability, may not exceed \$700,000.'

FISCAL NOTE

This amendment places a \$1,000,000 limit on damages,

SENATE AMENDMENT

2 including costs and interests, arising from a specific suit. The
individual upper limit for Waldo County is \$300,000 and the upper
4 limit for the State is \$700,000, including any amounts Waldo
County is liable for over their \$300,000 cap. If the plaintiff
6 is successful against the State, a General Fund appropriation no
greater than \$700,000 will be necessary. The amount and timing
8 of the appropriation can not be determined at this time. If the
plaintiff is successful against the county, Waldo County will be
required to pay the amount up to \$300,000.

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12 **SUMMARY**

14 This amendment provides that, notwithstanding any statute or
common law to the contrary, John Sullivan, Demain Sullivan,
16 Kristen Sullivan and Sean Sullivan, who claim to have suffered
damages as a result of an automobile accident that occurred July
18 2, 1998 on Route 131 in Waldo due to the negligence of an
employee of the Waldo County Sheriff's Department, are authorized
20 to bring a civil action against Waldo County and the State. The
limit on damages, including costs and interest, is \$1,000,000.
22 Waldo County may not be ordered to pay more than \$300,000. The
State may not be ordered to pay more than \$700,000. If Waldo
24 County is liable for an amount greater than \$300,000, the State
shall pay the amount that exceeds \$300,000, except that the
26 amount paid by the State, when added to the amount, if any, the
State is ordered to pay on the basis of its own liability, may
28 not exceed \$700,000.

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32 SPONSORED BY: 

(Senator LONGLEY)

34 COUNTY: Waldo
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