

MAINE STATE LEGISLATURE

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

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 resolve by striking out the title and substituting the following:

'Resolve, Authorizing the Members of the Sullivan Family to Bring Suit Against Waldo County and the State'

Further amend the resolve by inserting after the title and 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 next to last line (page 1, line 7 in L.D.) by inserting after the following: "against" the following: 'Waldo County and'

Further amend the resolve in section 1 in the 2nd paragraph in the last line (page 1, line 17 in L.D.) by inserting after the following: "action" the following: 'against the State. The

COMMITTEE AMENDMENT

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

2 District Attorney for Waldo County shall appear, answer and
defend the action against the County'

4 Further amend the resolve in section 1 in the last paragraph
in the 3rd line (page 1, line 21 in L.D.) by inserting after the
6 following: "Court" the following: 'regarding the action against
the State. The Treasurer of Waldo County shall pay any judgment,
8 including cost and interest, on final process issued by the
Superior Court or, if applicable, the Supreme Judicial Court
10 regarding the action against Waldo County'

12 Further amend the resolve in section 1 in the last paragraph
in the next to last line (page 1, line 22 in L.D.) by striking
14 out the following: "\$3,000,000 or the applicable insurance
policy limits" and inserting in its place the following:
16 '\$300,000 against Waldo County and \$700,000 against the State'

18 Further amend the resolve by inserting at the end before the
summary the following:

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FISCAL NOTE

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This resolve allows the State to be sued up to a maximum
amount of \$700,000 and Waldo County to be sued up to a maximum
26 amount of \$300,000, including costs and interest. If the
plaintiff is successful against the State, a General Fund
28 appropriation for the recovery will be necessary. The amount and
timing of the appropriation will depend on when the suit is filed
30 and its outcome. If the plaintiff is successful against the
county, Waldo County will be required to pay the amount of the
32 recovery.

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

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The Department of the Attorney General can absorb the
44 additional costs of defending this claim against the State within
existing budgeted resources.

46

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

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SUMMARY

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4 This amendment authorizes John Sullivan, Demain Sullivan,
6 Kristen Sullivan and Sean Sullivan to bring a civil suit against
8 the State and Waldo County for damages resulting from an
automobile accident that occurred on July 2, 1998 on Route 131 in
the Town of Waldo. The judgment, including cost and interest,
may not exceed a total of \$1,000,000, \$300,000 from the county
and \$700,000 from the State.