

MAINE STATE LEGISLATURE

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Handwritten mark: a circled '2' with 'H of R' written vertically next to it.

L.D. 1945

DATE: 4-29-99

(Filing No. H-348)

MINORITY
LEGAL AND VETERANS AFFAIRS

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

COMMITTEE AMENDMENT "A" to H.P. 1345, L.D. 1945, "Resolve, Authorizing the Family of Adam Wilson to Sue the Town of Rockport"

Amend the resolve by inserting after the title 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 2nd paragraph in the 2nd line (page 1, line 9 in L.D.) by inserting after the following: "approved." the following: 'Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals.'

Further amend the resolve in section 1 in the last paragraph in the last line (page 1, line 18 in L.D.) by striking out the following: "\$500,000" and inserting in its place the following: '\$750,000'

Further amend the resolve in section 1 in the last paragraph in the last line (page 1, line 18 in L.D.) by striking out the following: "; and be it further" and inserting in its place the following: '.'

COMMITTEE AMENDME

2 Further amend the resolve by striking out all of section 2.

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

6

'FISCAL NOTE

8

10 This resolve authorizes a civil action against the Town of
12 Rockport, which will require the town to defend itself in court.
14 This authorization may represent a state mandate pursuant to the
16 Constitution of Maine. The additional local costs can not be
determined. Pursuant to the Mandate Preamble, the 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.

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

24

SUMMARY

26 This amendment, which is the minority report of the Joint
28 Standing Committee on Legal and Veterans Affairs, does the
following:

30 1. Adds a mandate preamble;

32 2. References the standards that must be applied by the
court in determining any liability or damages;

34

36 3. Increases the amount of recovery authorized from
\$500,000 to \$750,000;

38 4. Removes section 2 of the resolve as it is redundant; and

40 5. Adds a fiscal note to the resolve.