

MAINE STATE LEGISLATURE

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MAJORITY
LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 822, L.D. 1076, "Resolve, Authorizing Arnold Smith to Sue the State"

Amend the resolve in section 1 in the 5th to 7th lines (page 1, lines 5 to 7 in L.D.) by striking out the following: "supervision of the Department of Mental Health, Mental Retardation and Substance Abuse Services and"

Further amend the resolve in section 1 in the 2nd paragraph in the 3rd line (page 1, line 14 in L.D.) by striking out the following: ", including punitive damages,"

Further amend the resolve in section 1 in the 2nd paragraph in the 6th line (page 1, line 17 in L.D.) by striking out the following: "or by a jury"

Further amend the resolve in section 1 in the 3rd paragraph in the last line by inserting after the following: "interest." the following: 'If any amount is recovered, the Victims' Compensation Fund must be reimbursed for amounts expended in connection with the murder of Kristen Smith, 25% of any recovery must be paid to Arnold and Joy Smith, parents of Kristen Smith, 25% of any recovery must be paid to the attorney for Arnold Smith and any remainder must go toward the establishment of a scholarship fund in honor of Kristen Smith.'

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

COMMITTEE AMENDMENT

FISCAL NOTE

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This resolve allows the State to be sued up to a maximum amount of \$200,000, including costs and interest. If the plaintiff is successful, a General Fund appropriation for the recovery will be necessary. The amount and timing of the appropriation will depend on when the suit is filed and its outcome.

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This resolve may also result in an increase in Other Special Revenue to the Victims' Compensation Fund within the Department of the Attorney General if the plaintiff is successful.

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

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

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SUMMARY

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This amendment is the majority report of the committee. The amendment removes the Department of Mental Health, Mental Retardation and Substance Abuse Services as a party to the lawsuit and prohibits any recovery of punitive damages. The amendment also clarifies how the amount of any recovery will be distributed and requires that the action be heard by a Justice of the Superior Court.

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The amendment also adds a fiscal note to the resolve.