MAINE STATE LEGISLATURE

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•	L.D. 2165
2	DATE: 4/1/02 (Filing No. H-1045)
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6	LEGAL AND VETERANS AFFAIRS
8	
10	Reproduced and distributed under the direction of the Clerk of the House.
12	STATE OF MAINE
14	HOUSE OF REPRESENTATIVES 120TH LEGISLATURE
16	SECOND REGULAR SESSION
18	COMMITTEE AMENDMENT "A" to H.P. 1659, L.D. 2165, "Resolve,
20	to Allow Julie Harrington to Sue the State"
22	Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:
24	and before the summary and inserting in its place the following:
	'Sec. 1. Waiver of immunity; authorization to sue State. Resolved
26	That, notwithstanding any law to the contrary, Julie Harrington, who claims that the State is using a computer software program in
28	violation of her alleged copyrights in that software, is authorized to bring or maintain a civil action against the
30	Department of Corrections in federal court, but not against individual past or present employees of the Department of
32	Corrections. This resolve is a waiver of the State's defense of any immunity the State may have pursuant to the Eleventh
34	Amendment to the United States Constitution up to a maximum recovery of \$400,000.
36	This action may be brought within one year from the date
38	this resolve is approved. If an action has already been filed, it does not have to be refiled in federal court. This resolve
40	applies regardless of whether that action is refiled. The Attorney General shall appear and answer and defend the action.
42	-
	The Treasurer of State shall pay any judgment, including
44	cost and interest, on final process issued by the court.

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Recovery may not exceed \$400,000.

46

2	following appropriations and allocations are made.
4	CORRECTIONS, DEPARTMENT OF
6	Administration - Corrections
8	Initiative: Provides funds for outside counsel fees.
10	General Fund 2001-02 2002-0 All Other \$0 \$30,000
12	Further amend the resolve by inserting at the end before th
14	summary the following:
16	'FISCAL NOTE
18	
20	2002-0
22	APPROPRIATIONS/ALLOCATIONS
22	General Fund \$30,00
24	
26	This resolve waives any defense to immunity the State mathemate have pursuant to the Eleventh Amendment of the United State Constitution in regards to one particular plaintiff. This
28	resolve specifies that recovery may not exceed \$400,000. If the plaintiff is successful, a General Fund appropriation for the
30	recovery will be necessary. The amount of the appropriation
32	required for the recovery can not be determined at this time ar will depend on when the suit is resolved and its outcome. I addition to the plaintiff's award, an additional General Fur
34	appropriation will be required by the Department of Correction to support the costs associated with defending the claim. This
36	bill includes a General Fund appropriation of \$30,000 in fisca year 2002-03 for outside counsel fees.
38	year 2002-03 for outside counsel fees.
40	The additional costs associated with working with outside counsel can be absorbed by the Department of the Attorney General
	utilizing existing budgeted resources.'
42	
44	SUMMARY
46	This amendment replaces the resolve. It authorizes Juli Harrington to bring a civil action against the State for damage
48	resulting from the alleged use by the State of a compute
50	software program in violation of her alleged copyrights in the

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- pursuant to the Eleventh Amendment of the United States Constitution. The amendment limits any recovery to \$400,000.
- 4 The amendment also adds a fiscal note to the resolve.

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