

MAINE STATE LEGISLATURE

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LEGAL AND VETERANS AFFAIRS

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

COMMITTEE AMENDMENT "A" to H.P. 1659, L.D. 2165, "Resolve, to Allow Julie Harrington to Sue the State"

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Waiver of immunity; authorization to sue State. Resolved: That, notwithstanding any law to the contrary, Julie Harrington, who claims that the State is using a computer software program in violation of her alleged copyrights in that software, is authorized to bring or maintain a civil action against the Department of Corrections in federal court, but not against individual past or present employees of the Department of Corrections. This resolve is a waiver of the State's defense of any immunity the State may have pursuant to the Eleventh Amendment to the United States Constitution up to a maximum recovery of \$400,000.

This action may be brought within one year from the date this resolve is approved. If an action has already been filed, it does not have to be refiled in federal court. This resolve applies regardless of whether that action is refiled. The Attorney General shall appear and answer and defend the action.

The Treasurer of State shall pay any judgment, including cost and interest, on final process issued by the court. Recovery may not exceed \$400,000.

COMMITTEE AMENDMENT "A" to H.P. 1659, L.D. 2165

2 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.