

# MAINE STATE LEGISLATURE

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**LEGAL AND VETERANS AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 231, L.D. 288, "Resolve, to Authorize Michelle Booker to Sue the State"

Amend the resolve in section 1 in the first paragraph in the 8th line (page 1, line 8 in L.D.) by striking out the following: "State" and inserting in its place the following: 'the Department of Corrections'

Further amend the resolve in section 1 in the first paragraph in the 9th line (page 1, line 9 in L.D.) by striking out the following: "State of Maine" and inserting in its place the following: 'Department of Corrections'

Further amend the resolve in section 1 in the first paragraph in the 10th line (page 1, line 10 in L.D.) by striking out the following: "State." and inserting in its place the following: 'Department of Corrections. This resolve is a waiver of the State's defense of immunity under the Maine Revised Statutes, Title 14, chapter 741.'

Further amend the resolve in section 1 in the 3rd paragraph in the last line (page 1, line 27 in L.D.) by striking out the following: "costs and interest" and inserting in its place the following: 'costs, interest and punitive damages'

**SUMMARY**

The resolve authorizes Michelle Booker to sue the State under the State's wrongful death laws in her capacity as personal representative of the estate of Donna Leen. This amendment

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 231, L.D. 288

2 clarifies that the resolve authorizes suit against the Department  
of Corrections and constitutes a waiver of the State's defense of  
immunity under the Maine Tort Claims Act. The amendment also  
4 clarifies that the maximum amount of recovery is \$400,000,  
including punitive damages.

FISCAL NOTE REQUIRED  
(See attached)

**COMMITTEE AMENDMENT**



**121st Maine Legislature**  
**Office of Fiscal and Program Review**

**LD 288**

**Resolve, to Authorize Michelle Booker to Sue the State**

**LR 1408(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Legal and Veterans Affairs**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Potential current biennium cost increase - General Fund

**Fiscal Detail and Notes**

This Resolve allows the State to be sued up to a maximum amount of \$400,000 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 whether the suit is filed and its outcome. The Department of the Attorney General and the Department of Corrections can absorb the additional costs of defending this claim within existing resources. The Judicial Department can absorb the 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.