

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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**Legislative Document**

**No. 507**

H.P. 392

House of Representatives, February 6, 2003

**Resolve, To Allow the Town of Dennysville To Sue the State and the  
Atlantic Salmon Commission for Breach of Contract**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GOODWIN of Pembroke.

**Sec. 1. Authorization to sue State. Resolved:** That, notwithstanding any statute or common law to the contrary, the Town of Dennysville, or the town's legal representative, who claims to have suffered damages as a result of the Atlantic Salmon Commission's failure to ensure that after placing the weir in the Dennysville River water would be able to be drawn from the dry hydrant, is authorized to bring a civil action against the State, but not against a past or present employee of the State.

This action may be brought in the Washington County Superior Court within one year from the date this resolve is approved. Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals. The action may be heard by a Justice of the Superior Court or by a jury. The Maine Rules of Civil Procedure govern the conduct of the action. The Attorney General shall appear, answer and defend the action.

The Treasurer of State shall pay any judgment, including costs and interest, on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Recovery may not exceed \$2,000, including costs and interest.

## SUMMARY

This resolve authorizes the Town of Dennysville to sue the State for damages resulting from the Atlantic Salmon Commission's failure to ensure that after placing the weir in the Dennysville River water would be able to be drawn from the dry hydrant.