

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1257

S.P. 437

In Senate, March 15, 2005

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**Resolve, Authorizing Dominic LaJoie To Sue the Department of  
Agriculture, Food and Rural Resources**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.  
Cosponsored by Representative SMITH of Van Buren.

**Sec. 1. Authorization to sue State. Resolved:** That,  
2 notwithstanding any statute or common law to the contrary,  
Dominic LaJoie, who claims to have suffered damages in connection  
4 with actions taken by the Department of Agriculture, Food and  
Rural Resources, is authorized to bring a civil action against  
6 the Department of Agriculture, Food and Rural Resources. This  
resolve is a waiver of the State's defense of immunity under the  
8 Maine Revised Statutes, Title 14, chapter 741.

10 Notwithstanding the application of any statute of  
limitations barring this action, this action must be brought in  
12 the Kennebec County Superior Court within one year from the date  
this resolve is approved. Liability and damages, including  
14 punitive damages, must be determined according to state law as in  
litigation between individuals. This action may be heard by a  
16 Justice of the Superior Court or by a jury. The Maine Rules of  
Civil Procedure govern the conduct of the action. The Attorney  
18 General shall appear, answer and defend the action. To the  
extent possible, the Attorney General shall conduct negotiations  
20 in good faith to resolve this action by settlement.

22 The Treasurer of State shall pay any settlement determined  
by agreement of the parties or any judgment, including costs and  
24 interest, on final process issued by the Superior Court or, if  
applicable, the Supreme Judicial Court.  
26

## 28 SUMMARY

30 This resolve authorizes Dominic LaJoie to bring a civil  
action against the Department of Agriculture, Food and Rural  
32 Resources for damages in connection with actions taken by the  
Department of Agriculture, Food and Rural Resources. The resolve  
34 directs the Attorney General and the Department of Agriculture,  
Food and Rural Resources to conduct settlement negotiations to  
36 resolve the dispute to the extent possible.