

MAINE STATE LEGISLATURE

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Date: 5/31/17

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1070, L.D. 1554, "Resolve, Authorizing Claire Dean Perry and the Estate of William Dean To Bring Suit against the Surety Obtained by the Department of Health and Human Services in Its Capacity as Public Conservator"

Amend the resolve in section 1 by striking out the last sentence (page 1, lines 6 and 7 in L.D.) and inserting the following: 'In a proceeding brought pursuant to this section and filed with the Probate Court pursuant to Title 18-A, section 5-611, this resolve waives the State's defense of immunity under Title 14, chapter 741 and prohibits the assertion of the defense of immunity by the surety for the State or any other party to the proceeding; and be it further'

Amend the resolve by inserting at the end before the summary the following:

'Sec. 2. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Long Term Care - Office of Aging and Disability Services 0420

Initiative: Provides funding for a court settlement.

GENERAL FUND	2017-18	2018-19
All Other	\$300,000	\$0
GENERAL FUND TOTAL	<u>\$300,000</u>	<u>\$0</u>

SUMMARY

This amendment clarifies that the surety for the State may not assert the defense of immunity in any proceeding authorized by the resolve and filed with the Probate Court.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1070, L.D. 1554

1 The amendment also adds an appropriations and allocations section.

2

FISCAL NOTE REQUIRED

3

(See attached)



128th MAINE LEGISLATURE

LD 1554

LR 2298(02)

Resolve, Authorizing Claire Dean Perry and the Estate of William Dean To Bring Suit against the Surety Obtained by the Department of Health and Human Services in Its Capacity as Public Conservator

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-365)
 Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$300,000	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$300,000	\$0	\$0	\$0

Fiscal Detail and Notes

The bill includes a General Fund appropriation to the Department of Health and Human Services of \$300,000 in fiscal year 2017-18 for a potential court settlement.