

# MAINE STATE LEGISLATURE

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REPORT B

JUDICIARY

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 675, L D 1688, "Resolve, to Allow Ronald Caron and Jennifer Berube to Sue the State"

Amend the resolve by striking out the title and substituting the following

**'Resolve, to Allow Ronald Caron and Jennifer Berube to Petition the Court for a Reevaluation of Damages'**

Amend the resolve by striking out everything after the title and inserting the following

**'Sec. 1. Authorization to petition court. Resolved:** That, notwithstanding any provision of law or common law to the contrary, Ronald Caron and Jennifer Berube, who sued the Department of Transportation in Superior Court under docket number CV-01-142 and received a judgment on August 14, 2003, may petition the court to reconsider the damages awarded in that case, based on the costs incurred by Ronald Caron and Jennifer Berube and damages suffered in connection with the motor vehicle accident underlying that case

Notwithstanding the application of any statute of limitations barring the petition, the petition may be brought in the Superior Court within one year from the effective date of this resolve Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals The petition 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 petition To the extent possible, the Department of Transportation shall conduct negotiations in good faith to resolve this petition by settlement

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

**Sec. 2. Waiver of statutory limitations. Resolved:** That limitations on damages pursuant to the Maine Revised Statutes, Title 14, section 8105, subsection 1 are waived for the petition described under section 1 '

**COMMITTEE AMENDMENT**

1 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or  
2 section number to read consecutively

3 **SUMMARY**

4 This amendment replaces the resolve and changes the title It authorizes Ronald Caron  
5 and Jennifer Berube to petition the court to reconsider the damages awarded on August 14,  
6 2003 in Superior Court under docket number CV-01-142, based on the costs incurred by  
7 Ronald Caron and Jennifer Berube and damages suffered in connection with the motor  
8 vehicle accident underlying that case

9 **FISCAL NOTE REQUIRED**

10 (See attached)



# 131st MAINE LEGISLATURE

LD 1688

LR 296(02)

Resolve, to Allow Ronald Caron and Jennifer Berube to Sue the State

Fiscal Note for Bill as Amended by Committee Amendment "A" (5403)

Committee: Judiciary

Fiscal Note Required: Yes

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## Fiscal Note

Potential current biennium cost increase - Highway Fund

### Fiscal Detail and Notes

This resolve authorizes Ronald Caron and Jennifer Berube to petition the court to reconsider the damages previously awarded based on the costs incurred and damages suffered in connection with a motor vehicle accident. If the plaintiffs are successful, it is assumed that any payment of additional damages would come from the Highway Fund. The amount and timing of any payment will not be known until the case is resolved.

The Department of the Attorney General and the Department of Transportation can absorb the additional costs of defending this claim within existing resources.