

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

notwithstanding a finding by a state or federal court that the law under which the person was convicted is violative of the Constitution of Maine or the United States Constitution.

4. Governor's denial of request. A Governor's failure to issue a written finding that the person is innocent of the crime for which the person was convicted is final and not subject to judicial view.

5. Settlement. After commencement of an action under subsection 2, the Attorney General may compromise or settle any claim under this chapter.

§8242. Limitation on damages

1. Damages; limitation. In any action for damages permitted by this chapter, the claim for and award of damages, including costs, against the State may not exceed \$300,000 for all claims arising as a result of a single conviction.

2. Costs. Court costs, interest and all other costs that a court may assess are included within the damages limitation specified by this section.

3. Exclusion from judgment or award. A judgment or award against the State pursuant to this chapter may not include punitive or exemplary damages.

4. Payable from General Fund. Any judgment or award of damages permitted by this chapter must be paid from the General Fund.

§8243. Jurisdiction

The Superior Court has original jurisdiction over all claims permitted under this chapter.

§8244. Limitation of action

Every claim for wrongful imprisonment permitted under this chapter is forever barred from the courts of this State unless an action is begun in the courts within 2 years after the date of the full and free pardon of the conviction on which the claim is based.

Sec. 2. Application. Any claim that, pursuant to this Act, constitutes a right of action but for the 2-year statute of limitations established in this Act is maintainable if brought within one year of the effective date of this Act.

Application to the Governor for a hearing under this Act by a person convicted of a criminal offense prior to the effective date of this Act must be made to the Governor within 3 months of the effective date of this Act.

See title page for effective date.

CHAPTER 481

H.P. 1176 - L.D. 1567

An Act to Make Technical Corrections in Recently Enacted Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. PL 1993, c. 277, §5 is enacted to read:

Sec. 5. Retroactivity. This Act applies retroactively to October 1, 1993.

Sec. 2. PL 1993, c. 341, §8 is enacted to read:

Sec. 8. Retroactivity. Section 1 of this Act applies retroactively to October 1, 1993.

Sec. 3. P&SL 1993, c. 11, §3 is repealed and the following enacted in its place:

Sec. 3. Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Sec. 4. Retroactivity. Section 3 of this Act applies retroactively to April 15, 1993.

See title page for effective date.