

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 86

H.P. 536 - L.D. 730

Resolve, Allowing Christy Reposa To Sue the State

Sec. 1. Authorization to sue State. Resolved: That, notwithstanding any statute or common law to the contrary, Christy Reposa, the mother of Logan Marr, or her legal representative, who claims to have suffered damages as a result of the death of Logan Marr while she was in the custody of the Department of Human Services, is authorized to bring a civil action for damages against the Department of Human Services, but not against a past or present employee of the Department of Human Services. This resolve is a waiver of the State's defense of immunity under the Maine Revised Statutes, Title 14, chapter 741.

This action may be brought in the Kennebec County Superior Court within one year from the date this resolve is approved. In all other respects, this action must be brought in accordance with Title 18-A, section 2-804. The 180-day notice requirement set forth in Title 14, section 8107 is waived. 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 Superior Court or, if applicable, the Supreme Judicial Court. Recovery may not exceed \$400,000, including costs, interest and punitive damages.

The proceeds of any recovery, not including costs and reasonable attorney's fees as determined by the court, must be deposited with a 3rd-party trustee determined by counsel for Christy Reposa, subject to approval by the court, and disbursed only to pay for postsecondary educational expenses for a sibling of Logan Marr. If these proceeds so deposited are not disbursed to pay for postsecondary educational expenses for a sibling of Logan Marr, they must be deposited in the Victims' Compensation Fund established in Title 5, section 3360-H and, notwithstanding Title 5, chapter 316-A, used only for the payment of claims arising under Title 5, chapter 316-A based on a crime against a person who has not attained 18 years of age.

See title page for effective date.



CHAPTER 87

S.P. 216 - L.D. 607

Resolve, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses

Sec. 1. Study effects of NAFTA. Resolved: That the Department of Economic and Community Development and the Executive Department, State Planning Office shall jointly study the effects of the North American Free Trade Agreement, or "NAFTA," on Maine small businesses throughout the State. The study must include, but is not limited to, the positive and negative effects of NAFTA on imports and exports in general with particular attention to:

1. Imports and other cross-border commerce;
2. Metal products and steel fabrication industry;
3. Natural resource-based industries; and
4. Manufactured housing and home building industries; and be it further

Sec. 2. Report. Resolved: That on or before October 31, 2003, the Department of Economic and Community Development and the Executive Department, State Planning Office shall submit to the Legislature a joint report summarizing the results of the study, including, but not limited to, information on jobs created and jobs lost in the State due to NAFTA and businesses created and businesses closed in the State due to NAFTA; and be it further

Sec. 3. Legislation. Resolved: That on or before November 14, 2003 the Department of Economic and Community Development may submit legislation resulting from the study to the Legislature that would:

1. Expand business opportunities under NAFTA for Maine businesses; and
2. Minimize adverse effects of NAFTA on Maine businesses; and be it further

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Administration - Economic and Community Development 0069

Initiative: Appropriates one-time funds to the Department of Economic and Community Development to study the effects of the North American Free Trade Agreement.