

131st MAINE LEGISLATURE

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Legislative Document

No. 1688

S.P. 675

In Senate, April 18, 2023

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

Reference to the Committee on Judiciary suggested and ordered printed.

DAREK M. GRANT Secretary of the Senate

Presented by Senator TIMBERLAKE of Androscoggin.

Sec. 1. Authorization to sue State. Resolved: That, notwithstanding any provision of law to the contrary, Ronald Caron and Jennifer Berube, who claim to have suffered damages in connection with a motor vehicle accident involving the Department of Transportation, are authorized to bring a civil action against the Department of Transportation. This resolve is a waiver of the State's defense of immunity under the Maine Revised Statutes, Title 14, chapter 741.

Notwithstanding the application of any statute of limitations barring this action, this action 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 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. To the extent possible, the Attorney General shall conduct negotiations in good faith to resolve this action 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 action described under section 1.

21 SUMMARY

 This resolve authorizes Ronald Caron and Jennifer Berube, who claim to have suffered damages in connection with a motor vehicle accident involving the Department of Transportation, to sue the Department of Transportation for damages resulting from the accident and waives the statutory limitations on damage recovery.