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Date: (Filing No. S-)

JUDICIARY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” 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)**