

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **Resolve, To Allow John Jorgensen To Sue the State**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the subject of this legislation is time sensitive and concerns the court system and may need to be addressed before the 90-day limit occurs; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1 Authorization to sue State. Resolved:** That, notwithstanding any statute or common law to the contrary, John Jorgensen, who claims to have suffered damages in connection with actions taken by the Department of Transportation, is 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 must be brought in the Sagadahoc County Superior Court within one year from the date this resolve takes effect. Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals. This 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 judgement, including costs and interest, up to \$4,000,000, on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

### **SUMMARY**

This resolve authorizes John Jorgensen to bring a civil action against the Department of Transportation for damages in connection with actions taken by the Department of Transportation. The resolve allows up to \$4,000,000 in damages for injuries incurred in an accident that has already resulted in medical bills of nearly \$600,000 for Mr. Jorgensen.