

§8109. Compromise and settlement

1. Procedures for State. The State has authority to settle claims filed against it pursuant to sections 8104-A, 8104-B, 8104-C and 8104-D in accordance with the following procedures.

A. Any agency may settle any claim for an amount of \$1,500 or less when such settlement is approved by the appropriate department or agency head in accordance with rules adopted by the Commissioner of Administrative and Financial Services. [PL 1991, c. 780, Pt. Y, §114 (AMD).]

B. Any other claim may be settled when such settlement is approved by the head of the department or agency against which the claim is filed, the Commissioner of Administrative and Financial Services and the Attorney General. [PL 1991, c. 780, Pt. Y, §114 (AMD).]
[PL 2009, c. 652, Pt. B, §4 (AMD).]

2. Procedures for political subdivisions. Any political subdivision may settle claims filed against it pursuant to sections 8104-A, 8104-B, 8104-C and 8104-D in accordance with procedures duly promulgated by its governing body.
[PL 2009, c. 652, Pt. B, §5 (AMD).]

3. Limitations on payment under settlement. When the State or a political subdivision becomes obligated to pay a claim as a result of a settlement, the limitations on payment provided by sections 8105 and 8115 shall apply in the same manner as if the State or political subdivision in question became obligated to pay the funds as a result of a judgment of the court.
[PL 1977, c. 2, §2 (NEW).]

4. Release. The acceptance by a claimant of any settlement under this section shall be final and conclusive on the claimant and shall constitute a complete release of any further claims against the governmental entity and against any employees of the governmental entity whose acts or omissions gave rise to the claim.
[PL 1987, c. 740, §7 (NEW).]

5. Settlement agreement public record. Except for information that is designated confidential by statute or that is not a public record under Title 1, section 402, subsection 3, a settlement agreement entered into by a governmental entity under this section, including a payment by an insurer of the governmental entity, is a public record.
[PL 2019, c. 215, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 2, §§2,5 (NEW). PL 1977, c. 78, §§115,116 (AMD). PL 1977, c. 591, §6 (AMD). PL 1979, c. 68, §5 (AMD). PL 1985, c. 81 (AMD). PL 1985, c. 785, §§A88,89 (AMD). PL 1987, c. 402, §§A104,A105 (AMD). PL 1987, c. 740, §7 (AMD). PL 1991, c. 780, §Y114 (AMD). PL 2009, c. 652, Pt. B, §§4, 5 (AMD). PL 2019, c. 215, §1 (AMD).

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