

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 677

H. P. 549

House of Representatives, February 18, 1975

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hunter of Benton by Request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

RESOLVE, Authorizing Peggy Lanpher of South China or Her Legal Representatives to Bring Civil Action Against the State of Maine.

Peggy Lanpher; authorized to sue the State of Maine. Resolved: That Peggy Lanpher of South China, County of Kennebec, who suffered serious personal injuries while a patient at the Augusta Mental Health Institute be authorized to bring suit against the State of Maine.

On December 9, 1974, a window screen was allowed to remain open and unlocked on the 3rd floor of the Augusta Mental Health Institute in the room of Peggy Lanpher, due, she claims, to the negligence of the employees of the Augusta Mental Health Institute, to wit:

The employees of the Augusta Mental Health Institute were knowledgeable that Peggy Lanpher was particularly depressed and prone to commit suicide as she was in a ward for suicidal patients, and had a history of suicide attempts, and was upset over having to remain in the institute.

Despite this knowledge, a window screen was left unlocked in her room, it being not the normal course of procedure and operation in this ward to allow the window screen to be left unlocked.

As a result of the alleged negligence of the employees of the Augusta Mental Health Institute, she was allowed to jump from the 3rd floor window and received severe personal injuries including, but not limited to, broken legs and a broken hip.

Such action, if authorized, is to be brought in the Superior Court for the County of Kennebec within one year from the passage of this resolve, against the State of Maine for damages, if any, and the conduct that of such action

shall be according to the practice of actions or proceedings between parties in said Superior Court. The liabilities of the parties and elements of damage, if any, shall be the same as liabilities and elements of damage as between individuals. The complaint issuing out of said Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy by the sheriff or either of his deputies in any county of the State of Maine. The Attorney General is authorized and designated to appear, answer and defend said action.

Any judgment that may be recovered in this civil action shall be payable from the State Treasury on file process issued by the said Superior Court, or, if applicable, the Supreme Judicial Court and costs may be taxed for Peggy Lanpher if she recovers in the action, and her recovery shall not exceed \$100,000, including costs. Hearing thereon shall be before a Justice of the Supreme Judicial Court or Superior Court without a jury, said Justice to be assigned by the Chief Justice of the Supreme Judicial Court.

STATEMENT OF FACT

The intent of this resolve is reflected within the resolve itself.