

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 681

H. P. 553

House of Representatives, February 18, 1975

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

EDWIN H. PERT, Clerk

Presented by Mrs. Miskavage of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

RESOLVE, Authorizing Priscilla Blodgett of Augusta or her Legal Representatives to Bring an Action against the State of Maine.

Priscilla Blodgett; authorized to sue the State of Maine. Resolved: That Priscilla Blodgett of Augusta, County of Kennebec and State of Maine, 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 June 2, 1974, Priscilla Blodgett was a patient at the Augusta Mental Health Institute. She was court committed and, therefore, an involuntary patient. On numerous times in the past, Priscilla Blodgett had attempted to commit suicide and was confined to a ward at Augusta Mental Health Institute for those who were suicidal; said ward to be kept locked for protection of the patients. On June 2, 1974, the Augusta Mental Health Institute, through its employees, was allegedly negligent in allowing the keys to the ward to be entrusted to another patient, an elderly woman who is now in a nursing home. At Priscilla Blodgett's request, the door was unlocked and Priscilla Blodgett was allowed to leave the Augusta Mental Health Institute and proceed to her home in Augusta.

As a result of the alleged negligence of the employees of the Augusta Mental Health Institute and the Augusta Mental Health Institute, Priscilla Blodgett again attempted suicide and suffered serious injuries including but not limited to a permanent impairment of one side of her face.

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 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 final process issued by the said Superior Court, or if applicable, the Supreme Judicial Court, and costs may be taxed for Priscilla D. Blodgett if she recovers in the action, and her recovery shall not exceed \$50,000 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.