

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 1214**

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S. P. 359

In Senate, March 28, 1977

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

MAY M. ROSS, Secretary

Presented by Senator Curtis of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**RESOLVE, Authorizing Ronald G. Valente, Deceased, and Formerly of Bradford, County of Essex, State of Massachusetts, by His Legal Representatives, to Bring Civil Action Against the State of Maine.**

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Ronald G. Valente, by his legal representatives; authorized to sue the State of Maine. Resolved: That Donald G. Valente, deceased, and formerly of Bradford, County of Essex, State of Massachusetts, who suffered his death while a patient at the Bangor Mental Health Institute, be authorized to bring suit against the State of Maine.

On June 17, 1976, Ronald G. Valente was allowed to enter his Room No. 113. Ward E-3 of the Bangor Mental Health Institute, without supervision; the door to the room was allowed to be locked from the inside; the pane of glass in the door to the room was allowed to be covered by a pillow case; the ceiling to the room was approximately 12 feet high and water pipes approximately 3 inches in diameter were allowed to run crossways across the room about 18 inches from the ceiling; while in the room, Ronald G. Valente was allowed to tie three belts together, stand on a chair, tie one end of the belts around the water pipes, tie the other end of the belts around his neck in the form of a noose, kick the chair out from under himself, hang himself and die. It is claimed that due to the negligence of the employees and administrators of the Bangor Mental Health Institute, the Maine Department of Mental Health & Corrections and the State of Maine, that the wrongful death of Ronald G. Valente occurred, and that he was subjected to deliberate indifference to his medical needs, that his right to treatment was violated and that his state and federal constitutional rights were violated.

The employees and administrators of the Bangor Mental Health Institute were knowledgeable that Ronald G. Valente was particularly depressed and prone to commit suicide, was not receiving proper medical care and drugs, and was upset over having to remain in the institute.

Despite this knowledge, the door to his room was allowed to be locked from the inside, a pillow case was allowed to be placed over the door window, pipes near the ceiling were left exposed, belts were accessible to be tied together and he was allowed to be left alone in the room under all those conditions.

As a result of the alleged negligence of the employees and administrators of the Bangor Mental Health Institute, the Maine Department of Mental Health & Corrections and the State of Maine, Ronald G. Valente was allowed to hang himself and die, all to his wrongful death and deprivation of constitutional rights.

Such action, if authorized, is to be brought in either the Superior Court for the County of Penobscot, or the United States District Court for the northern division of Maine, within one year from the passage of this resolve, against the State of Maine, the Maine Department of Mental Health & Corrections, the Bangor Mental Health Institute and individual officials and personnel for damages, if any, and the conduct of such action shall be according to the practice of actions or proceedings between parties in said respective court. The liabilities of the parties and elements of damage, if any, shall be the same as liabilities and elements of damage as between parties individually. The complaint issuing out of said respective 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 the 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 court, or, if applicable, the Supreme Judicial Court and costs may be taxed for Ronald G. Valente if he recovers in the action, and his recovery against the State of Maine shall not exceed \$100,000, including costs.

#### STATEMENT OF FACT

The purpose of this resolve is to authorize Ronald G. Valente, deceased, by his legal representatives, to bring civil action against the State of Maine.