

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1572

H. P. 1377

House of Representatives, April 13, 1977

On Motion of Mr. Cote of Lewiston referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

RESOLVE, Authorizing Alfred E. Berg, M.D. to Bring Civil Action Against the State of Maine.

Alfred E. Berg, M.D.; authorized to sue the State of Maine. Resolved: That Alfred E. Berg, M.D., an employee of the State, who incurred and paid legal expenses pursuant to a suit filed against him alleging that he, in his capacity as staff physician at the Bangor Mental Health Institute at Bangor, illegally confined and detained one James Hurst without due process of law, is authorized to bring an action in the Superior Court for the County of Penobscot, within one year from the effective date of this resolve, at any term thereof against the State of Maine for damages, if any, and the complaint issuing out of the Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days before a term of the court by the sheriff or either of his deputies in any county of the State; and the conduct of the action shall be according to the practice of actions and proceedings between parties in that Superior Court, and the liabilities of the parties and elements of damage, if any, shall be the same as the liabilities and elements of damage between individuals; and 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 Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for Alfred E. Berg, M.D., if he recovers in the action. Any recovery in the action shall not be in excess of \$5,000, including costs. Hearing thereon shall be before a justice, without jury; the justice to be assigned by the Chief Justice of the Supreme Judicial Court.

STATEMENT OF FACT

This resolve would authorize Dr. Alfred E. Berg, to bring suit against the State to recover for legal expenses paid by him to defend a suit filed against him in his capacity as a state employee.