

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 678**

H. P. 547

House of Representatives, February 21, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Morton of Farmington.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**RESOLVE, Authorizing Barry A. Brann of Wilton to Bring Civil Action Against the State of Maine.**

**Barry A. Brann; authorized to sue the State of Maine. Resolved:** That Barry A. Brann of Wilton, County of Franklin and State of Maine, who suffered permanent personal injuries while an inmate at the Maine State Prison, be authorized to bring suit against the State of Maine.

On or about September 27, 1975, Mr. Barry A. Brann of Wilton, Maine, while a sentenced prisoner at the Maine State Prison in Thomaston, severely and permanently injured the nerves and tendons of his left arm and hand when he crashed through a glass window which was not properly safeguarded due to the alleged negligence of state employees in removing the window's protective screen for repainting.

This action, if authorized, is to be brought in the Superior Court for the County of Franklin within one year from the passage of this resolve, against the State of Maine for damages, if any, and the conduct of this action shall be according to the practice of actions or proceedings between parties in the 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 the Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy by the sheriff or his deputies in any county of the State. The Attorney General is authorized and designated to appear, answer and defend this action.

Any judgment that may be recovered in this civil action shall be payable from the State Treasury on file process issued by the Superior Court, or, if applicable, the Supreme Judicial Court and costs may be taxed for Barry A. Brann if he recovers in the action, and his recovery shall not exceed \$50,000, including costs. Hearing thereon shall be before a justice, with or without jury; the justice to be the regularly scheduled justice presiding in the Franklin County Superior Court when this matter is scheduled for trial.

#### STATEMENT OF FACT

The purpose of this resolve is to reimburse Barry A. Brann, who suffered an injury while an inmate at the Maine State Prison.