

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 562

H. P. 512

House of Representatives, February 2, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Sherburne of Dexter.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

RESOLVE, Authorizing Thomas J. Levesque, of Guilford, Administrator of the Estate of Shelby Lynn Levesque, to Bring Civil Action against the State of Maine.

Thomas J. Levesque, Administrator of the Estate of Shelby Lynn Levesque; authorized to sue the State of Maine.

RESOLVED: That Thomas J. Levesque, in his capacity as Administrator of the Estate of Shelby Lynn Levesque, who died while a patient at Bangor Mental Health Institute, be authorized to bring suit against the State of Maine.

On or about February 27, 1979, Mrs. Shelby Lynn Levesque, while a patient at Bangor Mental Health Institute, committed suicide by wrapping herself in paper and setting the same on fire. Plaintiff, as the administrator of her estate, alleges that state employees knew or should have known that she was suicidal, and carelessly and negligently failed to take reasonable steps to prevent her injury and death.

This action, if authorized, is to be brought in the Superior Court for the County of Penobscot within 1 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 judgement 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 Thomas J. Levesque, in his said capacity, if he recovers in the action and his recovery shall not exceed \$200,000, including costs. Hearing thereon shall be before a justice, with or without a jury; the justice to be the regularly scheduled justice presiding in the Superior Court for the County of Penobscot when this matter is scheduled for trial. Any applicable statute of limitations shall be tolled for a period of one year from the passage of this resolve.