

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1344

H. P. 1127

House of Representatives, March 17, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Gillis of Calais.

STATE OF MAINE

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

**RESOLVE, Authorizing Nancy Huber to Bring Suit Against the State of Maine.**

**Nancy Huber; authorized to sue State of Maine. Resolved:** That Nancy Huber of Bangor, County of Penobscot, is authorized to bring suit against the State of Maine.

Pursuant to a divorce judgment entered in the Maine District Court, District 3, Division of Southern Penobscot, in the matter of **Nancy Huber vs. Gregory R. Huber**, Civil Action, Docket #78-79D-343, the care and custody of Nancy Huber's minor children was placed with the Department of Human Services. On or about July 3, 1979, while the children were still in the custody of the Department of Human Services, Gregory R. Huber was allowed to visit with the children under the direct supervision of an employee of the Department of Human Services. Because the alleged negligence of the Department of Human Services' employee to properly supervise the visitation, Gregory R. Huber is alleged to have illegally taken and absconded with the children.

Such action, if authorized, is to be brought in the Superior Court for the State of Maine within one year from the effective date of this resolve against the State of Maine, the Department of Human Services 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 the Superior Court. The liabilities of the parties and elements of damage, if any, shall be the same as liabilities and elements of damages as between parties individually. The

complaint issuing out of said Superior Court under the authority of this resolve shall be served upon the Secretary of State in accordance with the Maine Rules of Civil Procedure. 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 General Fund on final process issued by the Superior Court or, if appealed, the Supreme Judicial Court and cost may be taxed for Nancy Huber, if she recovers in this action. Any recovery in this action shall not be in excess of \$100,000, including costs.

#### STATEMENT OF FACT

The purpose of this resolve is to authorize Nancy Huber to bring suit against the State for damages due to the alleged negligence of the Department of Human Services and its employee in supervising her minor children.