

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1940

6
7 H.P. 1377

House of Representatives, January 23, 1986

8 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

9 Reference to the Committee on Legal Affairs suggested and ordered
printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Baker of Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 RESOLVE, to Permit Edgar Warren to Sue the
18 State for Compensation for Injuries
19 Incurred While He was a Ward of the
20 State.
21

22 Edgar Warren; authorized to sue the State of
23 Maine. Resolved: That, notwithstanding any statute
24 of limitations, Edgar Warren, who suffered personal
25 injury as a result of an accident which occurred in
26 West Paris in 1941 while he was a ward of the State
27 is authorized to bring suit against the State. The
28 accident occurred while Mr. Warren was operating a
29 saw and, as a result of the accident, his left
30 forearm was severed.

31 As a result of the accident, Mr. Warren has been
32 denied certain employment opportunities. Mr. Warren
33 alleges that the injury resulted from the negligence
34 of state employees to properly train him to operate
35 the machinery which caused the injury.

1 This action is to be brought in the Superior
2 Court for Cumberland County, within one year from the
3 passage of this resolve, against the State for dam-
4 ages, if any, and the conduct of this action shall be
5 according to the practice of actions or proceedings
6 between parties in the Superior Court. The liabili-
7 ties of the parties and elements of damage, if any,
8 shall be the same as liabilities and elements of dam-
9 age as between individuals. The complaint issuing
10 out of the Superior Court under the authority of this
11 resolve shall be served on the Secretary of State by
12 attested copy by the sheriff or his deputies in any
13 county of the State. The Attorney General is autho-
14 rized and designated to appear, answer and defend
15 this action.

16 Any judgment that may be recovered in this civil
17 action shall be payable from the State Treasury on
18 file process issued by the Superior Court or, if ap-
19 plicable, the Supreme Judicial Court and costs may be
20 taxed for Edgar Warren if he recovers in the action.
21 His recovery shall not exceed \$150,000, including
22 costs. Hearing thereon shall be before a justice of
23 the Superior Court with or without jury; the justice
24 to be the regularly scheduled justice presiding in
25 the Cumberland County Superior Court when this matter
26 is scheduled for trial.

27 STATEMENT OF FACT

28 Edgar Warren was severely injured while a ward of
29 the State. He alleges that the injury occurred be-
30 cause he was a minor and was improperly trained by
31 the State for the job.

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