

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2238
7

8 S.P. 889

In Senate, March 19, 1986

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Bustin of Kennebec.

12 Cosponsored by Representative Hickey of Augusta, Representative
Paradis of Augusta and Representative Sproul of Augusta.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 Resolve, to Permit John Taylor, Personal
19 Representative of the Estate of
20 Sharon Taylor, to Sue the State for
21 Wrongful Death.
22

23 John Taylor, Personal Representative of the Es-
24 tate of Sharon Taylor; authorized to sue the State of
25 Maine. Resolved: That, notwithstanding any statute
26 or law to the contrary, John Taylor, personal repre-
27 sentative of the estate of Sharon Taylor, is autho-
28 rized to bring suit against the State and its employ-
29 ees for wrongful death.

30 Sharon Taylor was murdered on March 23, 1985, by
31 Paul Addington, who, at the time he committed the
32 murder, was a patient of the Augusta Mental Health
33 Institute, Augusta, Maine. Sharon Taylor's personal
34 representative maintains that the State's negligence
35 with respect to Paul Addington was the proximate
36 cause of Sharon Taylor's death.

1 This action is to be brought in the Superior
2 Court for Kennebec 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 final process issued by the Superior Court or, if ap-
19 plicable, the Supreme Judicial Court and costs may be
20 taxed for John Taylor, personal representative of the
21 estate of Sharon Taylor, if he recovers in the ac-
22 tion. His recovery shall not exceed \$500,000, in-
23 cluding costs. Hearing thereon shall be before a
24 justice of the Superior Court with or without jury;
25 the justice to be the regularly scheduled justice
26 presiding in the Kennebec County Superior Court when
27 this matter is scheduled for trial.

23 STATEMENT OF FACT

29 On March 23, 1985, Sharon Taylor, age 15, was
30 bird watching at the Pine Tree State Arboretum lo-
31 cated a few blocks from her home. The arboretum is
32 adjacent to the grounds of the Augusta Mental Health
33 Institute.

34 Paul Addington, a patient of the Augusta Mental
35 Health Institute, stabbed Miss Taylor to death while
36 he was out on an unsupervised leave. Paul Addington
37 had been a patient of the Augusta Mental Health In-
38 stitute for 11 years, having been committed after be-
39 ing found "Not Guilty by Reason of Insanity" in 3
40 previous attacks on women.

1 Sharon Taylor's father and personal representa-
2 tive of her estate alleges that the State's negli-
3 gence with respect to Paul Addington was the proxi-
4 mate cause of Sharon Taylor's death.

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