

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 242

S.P. 95

In Senate, February 5, 1987

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator BERUBE of Androscoggin.

Cosponsored by Senator PERKINS of Hancock, Representative STEVENS of Sabattus, Representative NADEAU of Lewiston.

STATE OF MAINE

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

1           Resolve, to Compensate Lucille A. Clavette of  
2                 Sabattus as Personal Representative  
3                 of the Estate of Richard J. Clavette,  
4                         Late of Pownal.  
5

6           Lucille A. Clavette, as personal representative  
7 of the estate of Richard J. Clavette; compensated by  
8 the State. Resolved: That the Governor of the State  
9 is authorized and directed, upon receipt of the necessary releases, to pay \$65,000, from funds appropriated therefor, to Lucille A. Clavette as personal  
10 representative of the estate of Richard J. Clavette  
11 as compensation for the death of Richard J. Clavette.  
12 The \$65,000 payment authorized by this resolve shall  
13 be in full satisfaction of any and all claims by the  
14 estate of Richard J. Clavette against the State and  
15 its employees for the death of Richard J. Clavette.  
16  
17

1 STATEMENT OF FACT

2 Richard J. Clavette died on or about February 21,  
3 1986, while he was a resident of the Pineland Center  
4 in Pownal. Mr. Clavette had wandered off the Pineland  
5 Center premises on the morning of Friday, February  
6 21, 1986, and was not found until the afternoon of  
7 Sunday, February 23, 1986. The state medical examiner  
8 fixed the time of death as the evening of February  
9 21, 1986.

10 Lucille A. Clavette is Richard J. Clavette's  
11 mother and the personal representative of his estate.  
12 She alleges that the negligence of the State and its  
13 employees was the proximate cause of her son's death.  
14 An inquiry panel, appointed by Kevin W. Concannon,  
15 Commissioner of Mental Health and Mental Retardation,  
16 found that throughout the search for Mr. Clavette,  
17 major systems failures and serious errors in judgment  
18 did occur. The inquiry panel further found that there  
19 were substantive problems regarding administrative  
20 leadership and continuity of command, that communica-  
21 tions broke down severely on several levels during  
22 the search and that the Pineland Center's own missing  
23 and lost resident search policy was not followed. The  
24 inquiry panel specifically found if the search policy  
25 had been followed, the search effort would have been  
26 conducted in a more realistic manner and Mr. Clavette  
27 might have been found before he died. In addition,  
28 the panel concluded that the Clavette family was not  
29 well served during the obviously stressful time while  
30 Mr. Clavette was missing and recommended that one  
31 state employee be dismissed, another be demoted, an-  
32 other's salary be reduced, another be suspended for a  
33 period and 3 others receive written reprimands.

34 Lucille A. Clavette, as personal representative  
35 of the estate of Richard J. Clavette is barred by law  
36 from bringing any action against the State and its  
37 employees for the wrongful death of Richard J.  
38 Clavette. Because of the unique circumstances of this  
39 case, the Legislature feels that the State has a mor-  
40 al obligation to compensate Lucille A. Clavette, as  
41 personal representative of the estate of Richard J.  
42 Clavette directly for the death of Richard Clavette.  
43 This resolve authorizes and directs, upon the receipt

1 of the necessary release, the payment of \$65,000 to  
2 Lucille A. Clavette, a personal representative of the  
3 estate of Richard J. Clavette, in full satisfaction  
4 of any and all claims which the estate of Richard J.  
5 Clavette may have against the State and its employees  
6 for the death of Richard J. Clavette.

7

0735010787