

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 303

H.P. 235 House of Representatives, February 6, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MANNING of Portland.

STATE OF MAINE

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

1 Resolve, to Compensate Dorothy Gammon of
2 Portland.
3

4 Dorothy Gammon of Portland; compensated by the
5 State. Resolved: That the Governor of the State is
6 authorized and directed, upon receipt of the neces-
7 sary releases, to pay \$300,000, from appropriated
8 funds, to Dorothy Gammon of Portland as compensation
9 for mental, emotional and physical injuries she suf-
10 fered as a result of having been attacked, beaten and
11 raped by Dwayne A. Lakin, a ward of the State. The
12 \$300,000 payment authorized by this resolve shall be
13 in full satisfaction of all claims by Dorothy Gammon
14 against the State and Cumberland County and their em-
15 ployees for the injuries she suffered arising out of
16 this incident.

1

STATEMENT OF FACT

2 Dorothy Gammon was severely attacked, beaten and
3 raped on September 20, 1986, by Dwayne A. Lakin, a
4 ward of the State. Dwayne A. Lakin was supposed to be
5 in the custody of the State at the State Prison in
6 Thomaston to serve a sentence for burglary and theft.
7 Before his sentence at Thomaston had been fully
8 served, the State transferred Dwayne A. Lakin to the
9 Cumberland County Jail. Because of an overflow at the
10 county jail, Dwayne A. Lakin was further transferred
11 to a low security city police lockup in the Portland
12 public safety building under the supervision and cus-
13 tody of the Cumberland County Sheriff Department.
14 Dwayne A. Lakin was allowed to simply walk out of the
15 lockup upon his "promise" to return in a few hours
16 and, within a few hours of his being so released, he
17 assaulted, battered and raped Mrs. Gammon.

18 Dwayne A. Lakin had a history of assaultive be-
19 havior on women, including prior incidents of
20 beatings and rapes. This criminal history was known
21 to officials of the State and of Cumberland County
22 before the State transferred him from Thomaston to
23 Cumberland County. The State also knew or should
24 have known that Dwayne A. Lakin was untrustworthy,
25 but transferred him to Cumberland County anyway and
26 without suggesting that Cumberland County officials
27 impose restrictions upon him. Although Cumberland
28 County officials knew or should have known of Dwayne
29 A. Lakin's dangerous propensities and that he had
30 previously escaped from the Maine Correctional Center
31 in Windham where he had been incarcerated for aggra-
32 vated assault, Cumberland County officials allowed
33 Dwayne A. Lakin to walk out of the lockup simply upon
34 his request that he be released and his "promise" to
35 return.

36 Dorothy Gammon is the mother of 4 children ages
37 14, 13, 7 and 2 years. Mrs. Gammon lived in constant
38 fear for her life and the safety of her children
39 while Dwayne A. Lakin remained at large. Neither the
40 State nor Cumberland County informed Mrs. Gammon that
41 Dwayne A. Lakin had been apprehended in Florida. She
42 learned of his apprehension well after it occurred
43 via the news media. The sheriff drove to Florida with

1 Dwayne A. Lakin's girlfriend to pick him up. The
2 failure of the State and Cumberland County to notify
3 Mrs. Gammon that Dwayne A. Lakin had been returned to
4 custody and the manner in which he was returned to
5 the State inflicted further pain, suffering and emo-
6 tional distress to Mrs. Gammon. It will impose still
7 further emotional strain and distress upon Mrs.
8 Gammon and her children to force them to undergo a
9 prolonged litigation to redress the injuries she has
10 suffered. Dorothy Gammon is barred by law from bring-
11 ing any action against the State or Cumberland County
12 or their employees for the injuries she suffered and
13 the damages she has sustained.

14 Because of the unique circumstances of this case,
15 the Legislature feels that the State and Cumberland
16 County have a moral obligation to compensate Dorothy
17 Gammon directly for the injuries arising out of this
18 incident. Accordingly, the State authorizes and di-
19 rects, upon the receipt of the necessary releases,
20 the payment of \$300,000 to Dorothy Gammon, in full
21 satisfaction of all claims which she may have against
22 the State and Cumberland County and their employees
23 arising out of this incident.

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