

MAINE STATE LEGISLATURE

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(New Draft of H.P. 385, L.D. 519)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1570

H.P. 1155 House of Representatives, May 15, 1987
Reported by Representative PRIEST from the Committee on
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored by Representative CARTER of
Winslow. Cosponsored by Senators KANY of Kennebec, BRANNIGAN
of Cumberland, and Representative PRIEST of Brunswick.

STATE OF MAINE

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

1 Resolve, to Permit Reginald and Alice Huard
2 to Sue the State for Compensation for
3 Losses Claimed to have been Suffered
4 as a Result of Claims of Child Abuse
5 Instituted by the State.
6

7 Reginald and Alice Huard; authorized to sue the
8 State. Resolved: That, notwithstanding any statute
9 to the contrary, Reginald and Alice Huard, who claim
10 to have suffered losses as a result of claims of
11 child abuse, are authorized to bring suit against the
12 State, but are not authorized to bring suit against
13 any state employee as an individual.

14 This action shall be brought within one year from
15 the passage of this resolve in the Kennebec Superior

1 Court. Liability and damages shall be determined ac-
2 cording to state law, just as in litigation between
3 individuals, except no punitive damages are autho-
4 rized. The authorization contained in this resolve
5 shall not constitute a waiver of the State's sover-
6 eign immunity for the purpose of the United States
7 Civil Rights Act, United States Code, Title 42, Sec-
8 tion 1983.

9 Any judgment that may be recovered in this civil
10 action shall be payable from the State Treasury on
11 final process issued by the Superior Court or, if ap-
12 plicable, the Supreme Judicial Court and costs may be
13 taxed for Reginald and Alice Huard if they recover in
14 the action. Recovery shall not exceed \$75,000, in-
15 cluding costs. Hearing shall be before a Justice of
16 the Superior Court, with or without jury. The action
17 shall be governed by the Maine Rules of Civil Proce-
18 dure.

19 FISCAL NOTE

20 If the Huards are successful in their suit, a
21 General Fund appropriation of up to \$75,000 will be
22 necessary.

23 STATEMENT OF FACT

24 This resolve authorizes Reginald and Alice Huard
25 to sue the State for compensation for the losses
26 which they claim to have suffered because of child
27 abuse claims instituted by the State. The Huards are
28 not authorized to sue any state employee as an indi-
29 vidual.

30 If successful, the Huards may recover up to
31 \$75,000, including costs. Punitive damages may not be
32 awarded.

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