

# MAINE STATE LEGISLATURE

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L.D. 75

(Filing No. H- 243)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 54, L.D. 75, "Resolve, Authorizing Lorraine Gray to Bring a Civil Action Against the State of Maine and Individual Past and Present Employees of the Department of Human Services"

Amend the resolve by striking out all of the title and inserting in its place the following:

'Resolve, Authorizing Lorraine Gray to Sue the State for Compensation for Losses Allegedly Suffered as a Result of Claims of Child Abuse Instituted by the State'

Further amend the resolve by striking out everything after the title and before the statement of fact and inserting in its place the following:

**'Lorraine Gray; authorized to sue the State. Resolved:** That, notwithstanding any statute or common law to the contrary, Lorraine Gray, who claims to have suffered damages as a result of erroneous claims of child abuse by the Department of Human Services and the removal of her child from her home by the Department of Human Services, is authorized to bring suit against the State, but not against individual past and present employees of the Department of Human Services.

This action shall be brought within one year from the passage of this resolve in the York County Superior Court. Liability and damages including punitive damages shall be determined according to state law, as in litigation between individuals.

Any judgment, costs and interest that may be recovered in this civil action shall be payable from the State Treasury on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Recovery shall not exceed \$75,000, including costs. Hearing shall be before a Justice of the Superior Court, with or without jury. The action shall be governed by the Maine Rules of Civil Procedure.

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**FISCAL NOTE**

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This resolve allows the State to be sued up to a maximum of \$75,000, including costs. If the plaintiff is successful, a General Fund appropriation for the recovery will be necessary.

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The Department of the Attorney General has estimated that the cost to defend the claim would be approximately \$10,000. Should other similar legislation be enacted, it will be necessary to provide authorization and funding for an additional attorney to act on behalf of the State for such suits. In addition, litigation expenses are estimated to be approximately \$2,000 and an appropriation will be necessary to cover these costs if this suit is brought against the State.

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**STATEMENT OF FACT**

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This amendment changes the resolve by allowing Lorraine Gray to sue the State, but not past or present Department of Human Services employees, for up to \$75,000 and adds a fiscal note.

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Reported by the Committee on Legal Affairs  
Reproduced and distributed under the direction of the Clerk of the House  
5/19/89

(Filing No. H-243)