

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 75

H.P. 54

House of Representatives, February 2, 1989

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

Cosponsored by Representative MURPHY of Berwick, Representative SHELTRA of Biddeford and Representative PLOURDE of Biddeford.

STATE OF MAINE

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

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.



1 Lorraine Gray; authorized to sue the State of Maine and individual
2 past and present employees of the Department of Human Services.

3 Resolved: That, notwithstanding any statutes or common laws to
4 the contrary, Lorraine Gray, who claims to have suffered damages
5 as a result of erroneous claims of child abuse by the Department
6 of Human Services and its employees and the removal of her child
7 from her home by the Department of Human Services and its
8 employees, is authorized to bring suit against the State, and
9 against individual past and present employees of the Department
10 of Human Services who are covered by a liability insurance policy
11 or policies.

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

19 Any judgment, costs and interest that may be recovered in
20 this civil action shall be payable from the State Treasury within
21 30 days of an execution being issued by the York County Superior
22 Court. Recovery shall not exceed \$500,000, including costs
23 against the State and shall not exceed the amount of liability
24 insurance coverage of individual employees of the Department of
25 Human Services. Hearing shall be before a Justice of the
26 Superior Court with or without a jury. The action shall be
27 governed by the Maine Rules of Civil Procedure.

29
31 **STATEMENT OF FACT**

33 This resolve authorizes Lorraine Gray to sue the State and
34 individual past and present employees of the Department of Human
35 Services who are covered by a liability insurance policy or
36 policies. The resolve authorizes Lorraine Gray to recover
37 damages up to \$500,000 arising from erroneous claims of child
38 abuse and the removal of her child from her home by the
39 department and its employees.