MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 882

H.P. 648

House of Representatives, March 22, 1989

Reference to the Committee on Legal Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative CONLEY of Portland. Cosponsored by Senator BRANNIGAN of Cumberland.

STATE OF MAINE

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

Resolve, Authorizing Christine R. Tufts, formerly Christine Willey, to Maintain an Action Against the State, York County and Town of Kennebunk.

Action against the State, York County and the Town of Kennebunk That, Christine R. Tufts, of Kennebunk, authorized. Resolved: formerly Christine Willey, be authorized to maintain an action against the State and its political subdivisions, York County and the Town of Kennebunk, for suffering severe physical injury caused by alleged negligence of the State, York County and Town of Kennebunk in failing to protect, prevent and notify requisite parties of the prior criminal history of Glen Willey, who after having been arrested, bailed and released from the York County Jail, was returned to his home where he assaulted Christine R.

Tufts for a 2nd time within 4 hours.

This action may be maintained in Superior Court for York County, against the State for damages, if any, and the conduct of this action shall be according to the practice of actions or proceedings between parties in the Superior Court. liabilities of the parties and elements of damage, if any, shall be the same as liabilities and elements of damage as between individuals. The Attorney General is authorized and designated to appear, answer and defend this action but none of provisions of or defenses specified in the Maine Tort Claims Act, Maine Revised Statutes, Title 14, chapter 741, shall apply. Attorney General or the Attorney General's designee is further authorized to enter into a compromise settlement, if agreed to by the parties, which shall be binding on the State. This resolve shall apply to either a suit now pending or to a subsequently filed action and, if it is applied to a pending action, shall be filed with the court and served upon all parties as if it were a pleading filed under the Maine Rules of Civil Procedure, and its authority shall relate back to the commencement of the action. If an action is commenced under authority of this resolve, the complaint issuing out of the Superior Court shall be served on the Secretary of State by attested copy by the sheriff or a deputy in any county of the State.

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STATEMENT OF FACT

This resolve authorizes Christine R. Tufts to maintain a civil action suit against the State, York County and the Town of Kennebunk for failure of the Kennebunk law enforcement personnel to notify the York County Jail of Glen Willey's past history which included prior domestic disturbances with and against Christine R. Tufts. Due to injuries received in the last assault, Christine R. Tufts has permanent brain damage to sensory and motor functions and is now considered unemployable.

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