

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1954

H.P. 1406

House of Representatives, December 15, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 15, 1989. Referred to the Committee on Legal Affairs and 1600 ordered printed pursuant to Joint Rule 14.

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

EDWIN H. PERT, Clerk

Presented by Representative WHITCOMB of Waldo.

Cosponsored by Representative ROLDE of York, Senator PERKINS of Hancock and Senator BALDACCI of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

Resolve, Authorizing Douglas Wright to Bring a Civil Action against the State for Damages He Sustained As a Result of the Investigation, Prosecution and Trial for Unlawful Sexual Contact.



2 **Douglas Wright; authorized to bring a civil action against the State,**
3 **its agencies and employees. Resolved:** That, notwithstanding any
4 statute or common law to the contrary, Douglas Wright of Belmont,
5 County of Waldo and State of Maine, is authorized to bring suit
6 against the State, its agencies and employees for the alleged
7 negligent investigation of, and prosecution of charges for,
8 unlawful sexual contact. He shall be entitled to recover from
9 the State, its agencies and employees any damages suffered as a
10 proximate result of any negligence, including mental and
11 emotional distress, loss of earnings and the attorney's fees and
12 costs incurred as a consequence of the investigation and charges.

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

19
20 Any judgment, costs and interest that may be recovered in
21 this civil action is payable from the State Treasury on final
22 process issued by the Superior Court or, if applicable, the
23 Supreme Judicial Court. The hearing shall be before a jury and a
24 Justice of the Superior Court. The action shall be governed by
25 the Maine Rules of Civil Procedure, the Maine Rules of Evidence
26 and the common law of this State.

27
28
29 **STATEMENT OF FACT**

30
31 This resolve authorizes Douglas Wright to bring a civil
32 action against the State, its agencies and employees for the
33 alleged negligent investigation of, and prosecution of charges
34 for, unlawful sexual contact. Mr. Wright was acquitted of
35 unlawful sexual contact on October 5, 1989.
36