# MAINE STATE LEGISLATURE

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## 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 144

S.P. 81

In Senate, January 22, 1991

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator GOULD of Waldo (BY REQUEST).

### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

Resolve, Authorizing Robert L. Gray to Bring a Civil Action against the State.



Authorization to sue the State. Resolved: That, notwithstanding any statute or common law to the contrary, Robert L. Gray of Waldo, or his legal representative, who claims to have suffered damages as a result of erroneous claims of child abuse, is authorized to bring a civil action against the State, but not against individual past or present employees of the State.

This action may be brought in the Waldo County Superior Court within one year from the date this resolve is approved. Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals. The action may be heard by a Justice of the Superior Court or by a jury. The Maine Rules of Civil Procedure govern the conduct of the action. The Attorney General shall appear, answer and defend the action.

The Treasurer of State shall pay any judgment, including costs and interest, on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Recovery may not exceed \$50,000, including costs and interest.

#### STATEMENT OF FACT

This resolve authorizes Robert L. Gray to sue the State for damages resulting from erroneous claims of child abuse. The maximum authorized recovery is \$50,000.