

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 147

H.P. 104

House of Representatives, January 22, 1991

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

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

EDWIN H. PERT, Clerk

Presented by Representative MAYO of Thomaston.

Cosponsored by Representative SKOGLUND of St. George and Senator HOLLOWAY of Lincoln.

STATE OF MAINE

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

Resolve, Authorizing Paul Wiegleb to Bring a Civil Action Against the State.



2 **Authorization to sue the State. Resolved:** That, notwithstanding
any statute or common law to the contrary, Paul Wiegleb of
4 Cushing, or his legal representative, who claims to have suffered
damages as a result of an incident on September 5, 1989, when
6 Margaret Davidson of Rockland, while a patient at the Augusta
Mental Health Institute in Augusta, took her own life allegedly
8 due to the negligence of state employees in performing their
duties by not properly safeguarding her, is authorized to bring a
civil action against the State of Maine, but not against
10 individual past or present employees of the State.

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

20 The Treasurer of State shall pay any judgment, including
22 costs and interest, on final process issued by the Superior Court
or, if applicable, the Supreme Judicial Court. Recovery may not
24 exceed \$75,000, including costs and interest.

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STATEMENT OF FACT

30 This resolve authorizes Paul Wiegleb to sue the State for
damages suffered as a result of an incident on September 5, 1989,
32 when Margaret Davidson of Rockland, while a patient at the
Augusta Mental Health Institute in Augusta, took her own life.
34 It is alleged that state employees were negligent in performing
their duties by not properly safeguarding her. The maximum
36 authorized recovery is \$75,000.