

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 950

S.P. 348

Received by the Secretary, March 6, 1991

Referred to the Committee on Legal Affairs and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CONLEY of Cumberland

STATE OF MAINE

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

Resolve, Authorizing Kathleen Maynard and Howard Briggs to Sue the
State.

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2 Authorization to sue the State. Resolved: That, notwithstanding
any statute or common law to the contrary, Kathleen A. Maynard
4 and Howard L. Briggs, both individually and as coadministrators
of the estate of Jessica Lea Briggs or their legal
6 representative, who claim to have suffered damages as a result of
the State's incarceration of Jessica Lea Briggs, aged 16, at the
8 Maine Youth Center, and their failure to maintain control and
custody of her as required by state law, which neglect resulted
10 in Jessica's death, are authorized to bring a civil action
against the State of Maine and against individual past or present
employees of the State.

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

22 The Treasurer of State shall pay any judgment, including
costs and interest, on final process issued by the Superior Court
24 or, if applicable, the Supreme Judicial Court. Recovery may not
exceed \$1,000,000, including costs and interest.

26
28 **STATEMENT OF FACT**

30 This resolve authorizes Kathleen A. Maynard and Howard L.
Briggs, both individually and as coadministrators of the estate
32 of Jessica Lea Briggs, to sue the State for damages resulting
from alleged acts and omissions of the State, its agents and
34 employees concerning the incarceration and death of Jessica Lea
Briggs. The maximum authorized recovery is \$1,000,000.