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S.P. 400

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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 Pamela LaTourneau, as Personal Representative of the Estate of Richard LaTourneau III, and Pamela LaTourneau and Richard LaTourneau, Jr. to Bring Civil Action against the State.

Authorization to sue the State. Resolved: That, notwithstanding any statute or common law to the contrary, Pamela LaTourneau, as 2 personal representative of the estate of Richard LaTourneau III, 4 or Portland, and Pamela LaTourneau and Richard LaTourneau, Jr., both of Portland, who claim to have suffered damages as a result 6 of alleged negligence of the Department of Human Services in the proper placement of their son, Richard LaTourneau III, in a foster home and in the department's neglect to properly supervise 8 the foster home, which neglect resulted in Richard's death, are 10 authorized to bring a civil action against the State of Maine.

12 This action may be brought in the Cumberland 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 costs and interest, on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Recovery may not exceed \$500,000 or the applicable insurance policy limits, including costs and interest. 26

STATEMENT OF FACT

This resolve authorizes Pamela LaTourneau as personal representative of the estate of Richard LaTourneau III, and
 Pamela LaTourneau and Richard LaTourneau, Jr. to bring a civil action against the State for damages resulting from the alleged
 negligence of the Department of Human Services concerning the death of Richard LaTourneau III.

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