

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2001

S.P. 802

In Senate, January 8, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Legal Affairs suggested and ordered printed.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator PEARSON of Penobscot

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STATE OF MAINE

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

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**Resolve, Authorizing Zelma Rudge 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, Zelma Rudge, as  
4           personal representative of the estate of Victor Lizzotte of  
Enfield, who claims to have suffered damage as a result of  
6           alleged negligence by the Department of Human Services in failing  
to properly exercise its duty to supervise the visitation of  
8           Victor Lizzotte with George Lizzotte and to protect Victor  
Lizzotte from harm from George Lizzotte during supervised  
10          visitation, which neglect resulted in Victor's death, is  
authorized to bring a civil action against the State.

12           This action may be brought in the Penobscot 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. This 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          cost and interest, on final process issued by the Superior Court  
or, if applicable, the Supreme Judicial Court. Recovery may not  
24          exceed \$250,000 or the applicable insurance policy limits,  
including costs and interest.

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#### STATEMENT OF FACT

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32           This resolve authorizes Zelma Rudge, as personal  
representative of the estate of Victor Lizzotte, to bring a civil  
action against the State for damages resulting from the alleged  
34          negligence of the Department of Human Services concerning the  
death of Victor Lizzotte.