

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

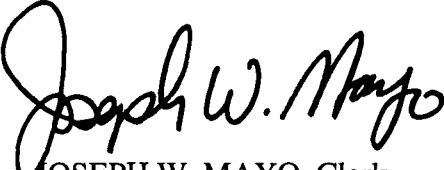
No. 24

H.P. 30

House of Representatives, January 12, 1995

Resolve, Authorizing Gerald Finks to Sue Pineland Center and the State of Maine.

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


JOSEPH W. MAYO, Clerk

Presented by Representative RICHARDSON of Portland.

Sec. 1. Authorization to sue Pineland Center and the State.

2 **Resolved:** That, notwithstanding any statute or common law to the
4 contrary, Gerald Finks, or his legal representative, who claims
6 to have suffered damages due to the death of his son, Edward
8 Finks, who died from injuries incurred in March, 1992 while a
10 resident at Pineland Center, is authorized to bring a civil
12 action against Pineland Center and the State, but not against
14 individual past or present employees of Pineland Center or the
16 State.

18 This action may be brought in the Cumberland County Superior
20 Court within one year from the date this resolve is approved.
22 Liability and damages, including punitive damages, must be
24 determined according to state law as in litigation between
26 individuals; except that, if liability is determined, any damages
28 awarded may not exceed \$80,000. The action may be heard by a
30 Justice of the Superior Court or by a jury. The Maine Rules of
32 Civil Procedure 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, as limited in
22 this resolve, from funds of the State, including costs and
24 interest, upon final process issued by the Superior Court or, if
26 applicable, the Supreme Judicial Court.

26 **STATEMENT OF FACT**

28 This resolve authorizes Gerald Finks to sue Pineland Center
30 and the State for damages resulting from the death of Gerald
32 Finks' son, Edward Finks, while a resident at Pineland Center.
The maximum amount of any damage award may not exceed \$80,000.