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Legislative Document

No. 124

H.P. 89

House of Representatives, January 17, 1995

Resolve, Authorizing Verne Lee to Sue the Department of Human Services 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 JOY of Crystal.

Sec. 1. Authorization to sue the Department of Human Services and the State. Resolved: That, notwithstanding any statute or common law to the contrary, Verne Lee, or his legal representative, who claims to have suffered damages when he was wrongfully and erroneously prohibited by the Department of Human Services from seeing his children, is authorized to bring a civil action against the Department of Human Services and the State, but not against individual past or present employees of the Department of Human Services or the State.

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

 The Treasurer of the State shall pay any judgment from funds of the State, including costs and interest, upon final process
issued by the Superior Court or, if applicable, the Supreme Judicial Court.

STATEMENT OF FACT

This resolve authorizes Verne Lee of Smyrna Mills, Maine, to sue the Department of Human Services and the State for damages that occurred when Lee was prevented by the Department of Human Services from seeing his children.

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