

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document


No. 1146

H.P. 841

House of Representatives, February 20, 1997

Resolve, to Authorize Robert Gray or His Legal Representative to Bring a Civil Action against the State in Order to Investigate Errors Made by State Officials That Caused Children to Erroneously Believe They Had Been the Victims of a Crime.

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


JOSEPH W. MAYO, Clerk

Presented by Representative BERRY of Belmont.

2 **Sec. 1. Authorization to sue the State. Resolved:** That,
notwithstanding any statute or common law to the contrary, Robert
4 Gray, or his legal representative, is authorized to bring a civil
action against the State of Maine in order to investigate alleged
6 errors made by state officials that caused children to believe
they had been victims of a crime.

8 This action may be brought in the Waldo County Superior
Court within one year from the date this resolve is approved.
10 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
12 the action. The Attorney General shall appear, answer and defend
the action; and be it further

14 **Sec. 2. Release of documents. Resolved:** That, notwithstanding
16 any statute or common law to the contrary, confidential records
pertaining to Robert Gray's claim in section 1, including
18 handwritten notes and reports developed by the following
officials: State Police Detective Barry Hathaway, Penobscot
20 District Attorney R. Christopher Almy, Sagadahoc County District
Attorney Geoffrey A. Rushlau and Victim Witness Coordinator Gail
22 D'Agostino, be released to Robert Gray or his legal
representative; and be it further

24 **Sec. 3. Release of video. Resolved:** That a copy of the 1988 and
26 1989 State Police television special that depicted Detective
Barry Hathaway as a special child abuse investigator be released
28 to Robert Gray or his legal representative; and be it further

30 **Sec. 4. Review of employment file. Resolved:** That information
regarding public complaints and how the complaints were handled
32 by internal affairs within the Maine State Police that is
contained in Detective Barry Hathaway's employment file prior to
34 May 1987 be released to Robert Gray or his legal representative.

36
38 **SUMMARY**

40 This resolve authorizes Robert Gray to sue the State. The
resolve also authorizes the release of certain confidential
42 information pertaining to Robert Gray's claim that errors made by
state officials caused children to believe that they had been
victims of a crime.