

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1270

S.P. 385

In Senate, February 27, 1997

Resolve, to Waive Sovereign Immunity and Tort Claims Limitation on Damages Relative to the Wrongful Death of Wrendy Hayne.

Reference to the Committee on Legal and Veterans 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 AMERO of Cumberland.
Cosponsored by Representative JONES of Bar Harbor and
Senators: BENOIT of Franklin, RUHLIN of Penobscot, Representative: WINGLASS of
Auburn.

2 **Sec. 1. Authorization to sue State. Resolved:** That,
notwithstanding any statute or common law to the contrary, Janice
4 Burns as personal representative of the estate of Wrendy Hayne,
or Janice Burns's legal representative, who claims to have
6 suffered damages as a result of the alleged treatment and
subsequent murder of Wrendy Hayne at the Augusta Mental Health
8 Institute, is authorized to bring a civil action against the
State of Maine, but not against individual past or present
employees of the State.

10
12 This action may be brought in the Kennebec 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 Treasure of State shall pay any judgment, including
costs and interest, on final process issued by the Superior Court
22 or, if applicable, the Supreme Judicial Court. Recovery may not
exceed \$3,000,000, including costs and interest.
24

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SUMMARY

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30 This resolve authorizes Janice Burns as personal
representative of the estate of Wrendy Hayne to sue the State for
damages resulting from the alleged treatment and subsequent
32 murder of Wrendy Hayne at the Augusta Mental Health Institute.