

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 611

H.P. 448

House of Representatives, January 21, 1999

Resolve, to Allow Lawsuit Against the State of Maine.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BROOKS of Winterport. (By Request)

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

8 This action may be brought in the Waldo County Superior
9 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
11 a jury. The Maine Rules of Civil Procedure govern the conduct of
12 the action. The Attorney General shall appear, answer and defend
13 the action; and be it further

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

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

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

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SUMMARY

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