



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 88

H.P. 79

House of Representatives, January 9, 2001

Resolve, Authorizing Zelma Rudge to Sue the State.

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

Millient M. Mac Jailand

MILLICENT M. MacFARLAND, Clerk

Presented by Representative STANLEY of Medway. Cosponsored by Representatives: BRYANT of Dixfield, DUGAY of Cherryfield, TRACY of Rome.

Sec. 1. Authorization to sue State. **Resolved:** That, 2 notwithstanding any statute or common law to the contrary, Zelma Rudge, as personal representative of the estate of Victor 4 Lizzotte of Enfield, who claims to have suffered damage as a result of alleged negligence by the Department of Human Services 6 in failing to properly exercise its duty to supervise the visitation of Victor Lizzotte with George Lizzotte and to protect 8 Victor Lizzotte from harm from George Lizzotte during supervised visitation, which neglect resulted in Victor's death, is 10 authorized to bring a civil action against the State.

12 This action may be brought in the Penobscot 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. This 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.
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The Treasurer of State shall pay any judgment, including 22 cost and interest, on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Recovery may not 24 exceed \$250,000 or the applicable insurance policy limits, including costs and interest.

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SUMMARY

30 This resolve authorizes Zelma Rudge, as personal representative of the estate of Victor Lizzotte, to bring a civil action against the State for damages resulting from the alleged negligence of the Department of Human Services concerning the 34 death of Victor Lizzotte.