

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1076

H.P. 822

House of Representatives, February 22, 2001

Resolve, Authorizing Arnold Smith to Sue the State.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Representatives: DUGAY of Cherryfield, MADORE of Augusta, MUSE of South Portland, QUINT of Portland.

2 **Sec. 1. Authorization to sue State. Resolved:** That
3 notwithstanding any statute or any other provision of law, Arnold
4 Smith as personal representative of the estate of Kristen Smith,
5 who claims to have suffered damages as a result of the murder of
6 Kristen Smith by an individual recently under the supervision of
7 the Department of Mental Health, Mental Retardation and Substance
8 Abuse Services and ongoing supervision of the Department of
9 Corrections, is authorized to bring a civil action against the
10 State of Maine, but not against individual past or present
employees of the State.

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

20 The Treasurer of State shall pay any judgment, including
21 costs and interest, on final process issued by the Superior Court
22 or, if applicable, the Supreme Judicial Court. Recovery may not
23 exceed \$200,000, including costs and interest.

26

SUMMARY

28

29 This resolve authorizes Arthur Smith as personal
30 representative of the estate of Kristen Smith to sue the State
31 for damages resulting from the murder of Kristen Smith by an
32 individual under the supervision of the Department of Mental
33 Health, Mental Retardation and Substance Abuse Services and the
34 Department of Corrections.