

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 288

H.P. 231

House of Representatives, January 28, 2003

Resolve, to Authorize Michelle Booker 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 PERRY of Bangor.
Cosponsored by Senator MAYO of Sagadahoc and
Representatives: BLANCHETTE of Bangor, CANAVAN of Waterville, DUGAY of
Cherryfield, GAGNE-FRIEL of Buckfield, NORTON of Bangor, RINES of Wiscasset,
Senator: SAWYER of Penobscot.

Sec. 1. Authorization to sue the State. Resolved: That,
2 notwithstanding any statute or any other provision of law,
Michelle Booker as personal representative of the estate of Donna
4 Leen, who claims to have suffered damages as a result of the
murder of Donna Leen on October 13, 2001 by Carl Wayne Heath, an
6 individual who has pled guilty to this crime and whom Ms. Booker
contends was wrongfully released from criminal custody by the
8 State, is authorized to bring a civil action for damages against
the State of Maine, but not against the individual past or
10 present employees of the State.

12 This action may be brought in the Penobscot County Superior
Court within one year from the date this resolve is approved. In
14 all other respects, this action must be brought in accordance
with the Maine Revised Statutes, Title 18-A, section 2-804. The
16 180-day notice requirement set forth in Title 14, section 8107 is
waived. Liability and damages, including punitive damages, must
18 be determined according to state law as in litigation between
individuals. The action may be heard by a Justice of the
20 Superior Court or by a jury. The Maine Rules of Civil Procedure
govern the conduct of the action. The Attorney General shall
22 appear, answer and defend the action.

24 The Treasurer of State shall pay any judgment, including
costs and interest, on final process issued by Superior Court or,
26 if applicable, the Supreme Judicial Court. Recovery may not
exceed \$400,000 including costs and interest.
28

30 SUMMARY

32 This resolve authorizes Michelle Booker, in her capacity as
personal representative of the estate of Donna Leen, who was
34 murdered on October 13, 2001 by Carl Wayne Heath almost
immediately following Mr. Heath's release from state criminal
36 custody in Bangor, to sue the State under Maine's wrongful death
laws. Compensatory damages are limited to \$400,000.