

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1603

H.P. 1177

House of Representatives, May 6, 2003

Resolve, Authorizing Michaela Corbin-Bumford To Sue the State

Reported by Representative CLARK of Millinocket for the Joint Standing Committee on Legal and Veterans Affairs pursuant to Joint Order 2003, H.P. 1155.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Sec. 1. Authorization to sue State. Resolved: That,
2 notwithstanding any statute or common law to the contrary,
3 Michaela Corbin-Bumford, or her legal representative, who claims
4 to have suffered damages as a result of the State's wrongfully
5 removing her from her home, is authorized to bring civil action
6 against the Department of Human Services, but not against a past
7 or present employee of the Department of Human Services. This
8 resolve constitutes a waiver of the State's defense of immunity
9 under the Maine Revised Statutes, Title 14, chapter 741.

10
11 This action may be brought in the Kennebec County Superior
12 Court within one year from the date this resolve is approved.
13 Liability and damages, including punitive damages, must be
14 determined according to state law as in litigation between
15 individuals. The action may be heard by a Justice of the
16 Superior Court or by a jury. The Maine Rules of Civil Procedure
17 govern the conduct of the action. The Attorney General shall
18 appear, answer and defend the action.

19
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 \$400,000, including costs, interest and punitive damages.
24

26 SUMMARY

27 This resolve authorizes Michaela Corbin-Bumford to sue the
28 State for damages resulting from alleged wrongful removal from
29 her home by the Department of Human Services. The maximum amount
30 of any recovery in the lawsuit is limited to \$400,000.