

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1133

S.P. 397

In Senate, March 8, 2005

Resolve, Authorizing Karen Davis To Sue the State

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PERRY of Penobscot.

Sec. 1. Authorization to sue State. Resolved: That,
2 notwithstanding any statute or common law to the contrary, Karen
Davis, who claims to have suffered damages in connection with
4 actions taken by the Department of Health and Human Services, is
authorized to bring a civil action against the Department of
6 Health and Human Services. This resolve is a waiver of the
State's defense of immunity under the Maine Revised Statutes,
8 Title 14, chapter 741.

10 Notwithstanding the application of any statute of
limitations barring this action, this action must be brought in
12 the Kennebec County Superior Court within one year from the date
this resolve takes effect. Liability and damages, including
14 punitive damages, must be determined according to state law as in
litigation between individuals. This action may be heard by a
16 Justice of the Superior Court or by a jury. The Maine Rules of
Civil Procedure govern the conduct of the action. The Attorney
18 General shall appear, answer and defend the action. To the
extent possible, the Attorney General shall conduct negotiations
20 in good faith to resolve this action by settlement.

22 The Treasurer of State shall pay any settlement determined
by agreement of the parties or any judgment, including costs and
24 interest, on final process issued by the Superior Court or, if
applicable, the Supreme Judicial Court.
26

SUMMARY

28
30 This resolve authorizes Karen Davis to bring a civil action
against the Department of Health and Human Services for damages
in connection with actions taken by the Department of Health and
32 Human Services.