

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 531

H.P. 376

House of Representatives, February 12, 2009

Resolve, To Allow Jenny Powell 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 BEAUDETTE of Biddeford. (BY REQUEST)
Cosponsored by Senator SULLIVAN of York.

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

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

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

18 SUMMARY

19 This resolve authorizes Jenny Powell to bring a civil action against the Department of
20 Health and Human Services for damages in connection with actions taken by the
21 Department of Health and Human Services.