

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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Appropriation Account No.	Appropriations
1040 — Court House	
Personal Services	\$ 7,828
1075 — Sheriff	
Personal Services	10,504
2025 — Employees Benefits	
Contractual Services	4,707
TOTAL ANTIRECESSION FISCAL ASSISTANCE	\$ 29,240

and be it further

Sec. 5. Summary. Resolved: That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the year 1977.

Total Appropriations	\$862,224
Available Credits	
Estimated Revenue	93,245
Transfer from Surplus	40,000
Federal Revenue Sharing	162,000
Antirecession Fiscal Assistance	29,240
Total Available Credits	324,485
Amount to be raised by taxation	\$537,739

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective May 17, 1977

CHAPTER 13

RESOLVE, Authorizing Ronald G. Valente, Deceased, and Formerly of Bradford, County of Essex, Commonwealth of Massachusetts, by His Legal Representatives, to Bring Civil Action Against the State of Maine.

Ronald G. Valente, by his legal representatives; authorized to sue the State of Maine. Resolved: That Ronald G. Valente, deceased, and formerly

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of Bradford, County of Essex, Commonwealth of Massachusetts, who suffered his death while a patient at the Bangor Mental Health Institute, be authorized to bring suit against the State of Maine.

On June 17, 1976, Ronald G. Valente was allowed to enter his Room #113, Ward E-3 of the Bangor Mental Health Institute, without supervision; the door to the room was allowed to be locked from the inside; the pane of glass in the door to the room was allowed to be covered by a pillow case; the ceiling to the room was approximately 12 feet high and water pipes approximately 3 inches in diameter were allowed to run crossways across the room about 18 inches from the ceiling; while in the room, Ronald G. Valente was allowed to tie three belts together, stand on a chair, tie one end of the belts around the water pipes, tie the other end of the belts around his neck in the form of a noose, kick the chair out from under himself, hang himself and die. It is claimed that due to the negligence of the employees and administrators of the Bangor Mental Health Institute, the Maine Department of Mental Health & Corrections and the State of Maine, that the wrongful death of Ronald G. Valente occurred, and that he was subjected to deliberate indifference to his medical needs, that his right to treatment was violated and that his state and federal constitutional rights were violated.

The employees and administrators of the Bangor Mental Health Institute were knowledgeable that Ronald G. Valente was particularly depressed and prone to commit suicide, was not receiving proper medical care and drugs, and was upset over having to remain in the institute.

Despite this knowledge, the door to his room was allowed to be locked from the inside, a pillow case was allowed to be placed over the door window, pipes near the ceiling were left exposed, belts were accessible to be tied together and he was allowed to be left alone in the room under all those conditions.

As a result of the alleged negligence of the employees and administrators of the Bangor Mental Health Institute, the Maine Department of Mental Health & Corrections and the State of Maine, Ronald G. Valente was allowed to hang himself and die, all to his wrongful death and deprivation of constitutional rights.

Such action, if authorized, is to be brought in either the Superior Court for the County of Penobscot, or the United States District Court for the northern division of Maine, within one year from the passage of this resolve, against the State of Maine, the Maine Department of Mental Health & Corrections, the Bangor Mental Health Institute and individual officials and personnel for damages, if any, and the conduct of such action shall be according to the practice of actions or proceedings between parties in said respective court. The liabilities of the parties and elements of damage, if any, shall be the same as liabilities and elements of damage as between parties individually. The complaint issuing out of said respective court under the authority of this resolve shall be served on the Secretary of State by attested copy by the sheriff or either of his deputies in any county of the State of Maine. The Attorney General is authorized and designated to appear, answer and defend the action.

Any judgment that may be recovered in this civil action shall be payable from the State Treasury on final process issued by the said court, or, if applicable, the Supreme Judicial Court and costs may be taxed for Ronald G.

Valente if he recovers in the action, and his recovery against the State of Maine shall not exceed \$20,000, including costs.

Effective October 24, 1977

CHAPTER 14

RESOLVE, Authorizing Charles S. Estes, or his Legal Representative, to Bring a Civil Action Against the State of Maine.

Charles S. Estes; authorized to sue the State of Maine. Resolved: That Charles S. Estes of the Town of New Gloucester, in the County of Cumberland, who suffered a personal injury and personal property damage on May 10, 1976, caused by the negligence of the Department of Inland Fisheries and Wildlife or its agents, or his legal representative, is authorized to bring an action in the Superior Court for the County of Cumberland, within one year of the effective date of this resolve, at any term thereof against the State of Maine for damages, if any, and a complaint issuing out of said Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days before a term of said court by the sheriff or either of his deputies in any county of the State of Maine; and the conduct of said action shall be according to the practice of actions and proceedings between parties in said Superior Court, and the liabilities of the parties and elements of damage, if any, shall be the same as the liabilities and elements of damage between individuals; and the Attorney General is authorized and designated to appear, answer and defend said action. Any judgment that may be recovered in said civil action shall be payable from the State Treasury on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Charles S. Estes if he recovers in said action. Any recovery in said action shall not be in excess of \$15,000, including costs. Hearing thereon shall be before a single justice, without a jury, said justice to be assigned by the Chief Justice of the Supreme Judicial Court.

Effective October 24, 1977

CHAPTER 15

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1977.

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment, unless enacted as emergencies; and