

127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 805

H.P. 554

House of Representatives, March 10, 2015

Resolve, Authorizing Certain Individuals To Bring Suit against the Department of Health and Human Services

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative FARNSWORTH of Portland. Cosponsored by Senator DUTREMBLE of York and Representative: HOBBINS of Saco.

1 Sec. 1. Authorization to sue State. Resolved: That, notwithstanding any 2 statute or common law to the contrary, Sara Bachelder individually and on behalf of her 2 3 minor children; Danielle and Christopher Pouliot individually and on behalf of their minor child; Hannah and Brett Williams individually and on behalf of their minor child; 4 Tonya Later and Albert Sico III individually and on behalf of their minor child; and 5 6 Michelle Tapley individually and on behalf of her minor child are authorized to bring a 7 civil action against the Department of Health and Human Services for damages claimed 8 to have been suffered in connection with actions taken by the Department of Health and 9 Human Services. This resolve is a waiver of the State's defense of immunity under the 10 Maine Revised Statutes, Title 14, chapter 741.

11 Notwithstanding the application of any statute of limitations barring this action, this action must be brought in the York County Superior Court within one year from the date 12 this resolve takes effect. Liability and damages, including punitive damages, must be 13 determined according to state law as in litigation between individuals. This action may 14 be heard by a Justice of the Superior Court or by a jury. The Maine Rules of Civil 15 16 Procedure govern the conduct of the action. The Attorney General shall appear, answer and defend the action. To the extent possible, the Attorney General shall conduct 17 negotiations in good faith to resolve this action by settlement. 18

19 The Treasurer of State shall pay any settlement determined by agreement of the 20 parties or any judgment, including costs and interest, on final process issued by the 21 Superior Court or, if applicable, the Supreme Judicial Court.

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SUMMARY

23 This resolve authorizes Sara Bachelder individually and on behalf of her 2 minor children; Danielle and Christopher Pouliot individually and on behalf of their minor 24 child; Hannah and Brett Williams individually and on behalf of their minor child; Tonya 25 26 Later and Albert Sico III individually and on behalf of their minor child; and Michelle Tapley individually and on behalf of her minor child to bring suit against the Department 27 of Health and Human Services for damages in connection with actions taken by the 28 29 Department of Health and Human Services and constitutes a waiver of the State's defense 30 of sovereign immunity.