

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Resolve, To Allow Jenny Powell To Sue the State

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

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 this resolve takes effect. Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals. This action may be heard by a Justice of the Superior Court or by a jury. The Maine Rules of Civil 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 negotiations in good faith to resolve this action by settlement.

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

SUMMARY

This resolve authorizes Jenny Powell 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 Human Services.