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Maine abuse case can go forward

by Tom Gallagher

NCR Today

The Maine Supreme Judicial Court ruled Tuesday that the head of the Roman Catholic Diocese of Portland is not immune from being sued by an Augusta man who alleges he was molested as a boy after the diocese assigned a priest it knew had sexually abused children in the past to a parish in the state capital.

In a 5-2 ruling, the court affirmed that under current law charitable groups such as churches, museums and sports organizations are immune from claims for negligent actions, but it said they are not immune from intentional ones.

The impact of the court's ruling will be felt by every nonprofit organization in the state, a dissenting justice predicted.

The state's high court sent back to Kennebec County Superior Court the question of whether the bishop of the diocese knew that the Fr. Raymond Melville had a history of sexually abusing minors when in 1985 he was assigned to St. Mary Catholic Church and School in Augusta.

"Applying charitable immunity in claims involving intentional torts" ? that is, wrongful acts ? ?would set Maine so far outside the mainstream that it would put this state in a class by itself,? he wrote. ?We do not believe it advisable to expand so profoundly a doctrine that has generally been acknowledged as bankrupt? by courts in other states.

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