

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 878

H. P. 740

House of Representatives, February 17, 1981

On Motion of Representative Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Drinkwater of Belfast.

Cosponsors: Representative O'Rourke of Camden and Senator Brown of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT Concerning the Limitation on Damages for Loss of Comfort, Society and
Companionship in Wrongful Death Actions.**

Be it enacted by the People of the State of Maine, as follows:

18-A MRSA § 2-804, sub-§ (b), 2nd sentence, as enacted by PL 1979, c. 540, § 1, is amended to read:

The jury may give such damages as it shall deem a fair and just compensation with reference to the pecuniary injuries resulting from such death to the persons for whose benefit the action is brought, and in addition thereto shall give such damages as will compensate the estate of the deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses, and in addition thereto may give damages ~~not exceeding \$10,000~~ for the loss of comfort, society and companionship of the deceased to the persons for whose benefit the action is brought, provided that the action shall be commenced within 2 years after the decedent's death.

STATEMENT OF FACT

The purpose of this bill is to amend the wrongful death statute to remove the \$10,000 limit on the amount of damages which can be awarded for loss of comfort, society and companionship.