

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 269

H.P. 217 House of Representatives, February 5, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative HILLOCK of Gorham.
Cosponsored by Senator COLLINS of Aroostook.

STATE OF MAINE

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

1 AN ACT to Create a Noneconomic Damages Award
2 Act.
3

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

6 14 MRSA c. 742 is enacted to read:

7 CHAPTER 742

8 NONECONOMIC DAMAGE AWARDS ACT

9 §8161. Short title

10 This Act may be cited as the "Noneconomic Damage
11 Awards Act."

12 §8162. Definitions

1 As used in this Act, unless the context otherwise
2 indicates, the following terms have the following
3 meanings.

4 1. Actual economic damages. "Actual economic
5 damages" means objectively verifiable pecuniary dam-
6 ages arising from medical expenses and medical care,
7 rehabilitation services, custodial care, loss of
8 earnings and earning capacity, loss of income, burial
9 costs, loss of use of property, costs of repair or
10 replacement of property, costs of obtaining substi-
11 tute domestic services, loss of employment, loss of
12 business or employment opportunities and other
13 objectively verifiable monetary losses.

14 2. Noneconomic damages. "Noneconomic damages"
15 means subjective, nonpecuniary damages arising from
16 pain, suffering, inconvenience, physical impairment,
17 disfigurement, mental anguish, emotional distress,
18 loss of society and companionship, loss of consorti-
19 um, injury to reputation, humiliation, other
20 nonpecuniary damages and any other theory of damages
21 such as fear of loss, illness or injury.

22 §8163. Damage awards

23 In any personal injury action, the prevailing
24 plaintiff may be awarded:

25 1. Compensation for economic damages. Compensa-
26 tion for actual economic damages suffered by the in-
27 jured plaintiff; and

28 2. Compensation for noneconomic damages. Com-
29 ensation for noneconomic damages suffered by the in-
30 jured plaintiff not to exceed \$250,000 or the the
31 amount awarded in economic damages, whichever amount
32 is greater.

33 §8164. Special damages findings required

34 1. Separate findings to be made. If liability
35 is found in a personal injury or wrongful death ac-
36 tion, then the trier of fact, in addition to other
37 appropriate findings, shall make separate findings
38 for each claimant specifying the amount of:

