

# MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 217, L.D. 269)  
(NEW TITLE)  
SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2523

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H.P. 1843                      House of Representatives, March 15, 1988  
Reported by the Minority from the Committee on Judiciary  
and printed under Joint Rule 2.

EDWIN H. PERT, Clerk  
Original bill sponsored by Representative HILLOCK of  
Gorham. Cosponsored by Senator COLLINS of Aroostook.

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STATE OF MAINE

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

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AN ACT to Establish a Limit on  
Noneconomic Damages.

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2  
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4 Be it enacted by the People of the State of Maine as  
5 follows:

6        Sec. 1. 14 MRSA §1455 is enacted to read:

7 §1455    Damage award limitation in personal injury  
8           actions

1        1. Definition. As used in this section, unless  
2 the context indicates otherwise, "noneconomic damages"  
3 means subjective, nonpecuniary damages arising from  
4 pain, suffering, inconvenience, physical impairment,  
5 disfigurement, mental anguish, emotional distress,  
6 loss of society and companionship, loss of consortium,  
7 injury to reputation, humiliation and other  
8 nonpecuniary damages, including those arising from  
9 theories of damages such as fear of loss, illness or  
10 injury. It does not include punitive damages.

11        2. Damage award limitation. In any civil action  
12 for personal injury, the noneconomic damages awarded  
13 to a prevailing party may not exceed \$500,000. If the  
14 trial of the action is to a jury, the jury shall not  
15 be informed of the damage award limitation established  
16 in this subsection. If the jury awards total damages  
17 in excess of \$500,000, the court shall direct the jury  
18 to establish the portion of the total damages awarded  
19 that is noneconomic damages. If the portion that is  
20 noneconomic damages exceeds \$500,000, the court shall  
21 reduce the noneconomic damages awarded to that amount,  
22 unless a further reduction is warranted by exercise of  
23 the powers described in subsection 3.

24        3. Court's powers. Nothing in this section is  
25 intended to eliminate the court's powers of additur  
26 and remittitur with regard to all damages, except to  
27 the extent that the power of additur is limited with  
28 regard to noneconomic damages beyond the limitation  
29 established in subsection 2.

30        4. Sunset; report. This section is repealed on  
31 October 1, 1993. On or before February 1, 1993, the  
32 Superintendent of Insurance shall report to the joint  
33 standing committee of the Legislature having  
34 jurisdiction over judiciary the impact of the  
35 provisions of this section upon the premiums charged  
36 for liability insurance provided to residents of this  
37 State.

38        Sec. 2. Application. This Act applies to  
39 causes of action that accrue on or after the effective  
40 date of this Act.

1 STATEMENT OF FACT

2 This new draft sets a limit of \$500,000 on  
3 noneconomic damages in personal injury actions. The  
4 jurors will not be told of the limit, unless they  
5 return a verdict of damages greater than \$500,000. In  
6 that circumstance, the judge will then ask the jurors  
7 to separate out the noneconomic damages portion of  
8 their award. If that portion is greater than  
9 \$500,000, the judge will reduce the amount to that  
10 permitted in this new draft.

11 The new draft sets a repeal date of October 1,  
12 1993, for this damages limitation. It also requires  
13 the Superintendent of Insurance to report by February  
14 1, 1993, on the impact of the damages limitation on  
15 insurance premiums.

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