

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1842, L.D. 2513, Bill, "An Act to Establish the Rural Medical Access Program and the 5-year Medical Liability Demonstration Project and to Revise the Discovery Rule without Imposing Caps on Damages and the Rules Regarding Collateral Sources"

Amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 24 MRSA §2906 is enacted to read:

§2906. Evidence of insurance coverage

In all actions for professional negligence, the court shall allow the admission into evidence of:

1. Plaintiff. Proof of the plaintiff's insurance coverage for medical bills and wage loss protection and the requirement that the plaintiff repay these collateral sources from the damage award; and

2. Defendant. Proof of the defendant's insurance coverage.'

STATEMENT OF FACT

The issue of the effect of collateral source payments on damage awards has been a long-standing tort reform issue. The law in this State as established by the Supreme Judicial Court's decisions strikes a balance by allowing neither evidence of plaintiff's insurance to cover claimed losses nor evidence of the

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defendant's insurance and assets available to cover an award.
2 This amendment would revise the law in medical malpractice cases
only, but would maintain the balance by allowing full disclosure
4 to the jury.

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Filed by Rep. Marsano of Belfast
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House
4/13/90 (Filing No. H-1136)