

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 687

H.P. 493

House of Representatives, February 20, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative KILKELLY of Wiscasset.

Cosponsored by Representative OTT of York, Representative PARADIS of Augusta and Representative COTE of Auburn.

STATE OF MAINE

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

An Act to Clarify the Standard for Punitive Damages in Negligence Cases.



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

4 14 MRSA §1453 is enacted to read:

6 §1453. Punitive damages

8 1. Punitive damages for gross negligence. Punitive damages
10 may be awarded in any civil action in which the plaintiff proves
gross negligence on the part of the defendant by a preponderance
of the evidence.

12 2. Distribution of punitive damages. When punitive damages
14 are awarded in any civil action, 1/2 is paid to the plaintiff and
1/2 to the State, that amount to be credited to the General Fund.

16 STATEMENT OF FACT

18 This bill changes current law that requires a plaintiff to
20 prove by clear and convincing evidence that a defendant acted
maliciously before the award of punitive damages is made. Such a
22 narrow standard overly protects defendants whose negligence was
gross, willful and wanton or fraudulent. This bill allows the
24 award of punitive damages when the conduct of the defendant rises
to the level of gross negligence.

26 The State recovers 50% of all punitive damages awarded to
28 civil litigants.