

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 823

H.P. 572

House of Representatives, February 26, 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 CARLETON of Wells.

STATE OF MAINE

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

An Act to Amend the Wrongful Death Laws.



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

18-A MRSA §2-804, sub-§(b), as amended by PL 1989, c. 340, is further amended to read:

(b) Every such action shall ~~must~~ be brought by and in the name of the personal representative of the deceased person, and the amount recovered in every such action, except as otherwise provided, shall ~~be~~ is for the exclusive benefit of the surviving spouse, if no minor children, and of the children if no surviving spouse, and one-half for the exclusive benefit of the surviving spouse and one-half for the exclusive benefit of the minor children to be divided equally among them, if there are both surviving spouse and minor children, and to the deceased's heirs to be distributed as provided in section 2-106, if there is neither surviving spouse nor minor children. The jury may give such damages as it shall ~~deem~~ deems 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 \$75,000 for the loss of comfort, society and companionship of the deceased, including any damages for emotional distress arising from the same facts as those constituting the underlying claim, to the persons for whose benefit the action is brought, and in addition thereto may give punitive damages, provided that the action shall ~~be~~ is commenced within 2 years after the decedent's death. If a claim under this section is settled without an action having been commenced, the amount paid in settlement shall ~~must~~ be distributed as provided in this subsection. No settlement on behalf of minor children shall ~~be~~ is valid unless approved by the court, as provided in Title 14, section 1605.

STATEMENT OF FACT

This bill allows a jury in a wrongful death action to award punitive damages beyond the \$75,000 limit on damages.