

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1791

S.P. 677

In Senate, May 6, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CONLEY of Cumberland

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STATE OF MAINE

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

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**An Act to Clarify Implied or Legal Malice for the Purpose of Awarding  
Punitive Damages.**

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

4 **14 MRSA §169** is enacted to read:

6 **§169. Punitive damages; implied or legal malice**

8 In actions involving corporations or motor vehicle operators  
10 in which punitive damages are sought, implied or legal malice may  
12 be found when:

14 1. **Deliberate conduct.** Deliberate conduct by the defendant  
16 is so outrageous that malice can be implied; or

18 2. **Willfull, wanton and reckless conduct.** Through willful,  
20 wanton and reckless conduct, the defendant has intentionally  
22 committed an act of unreasonable character in disregard of a risk  
24 that was known, should have been known or was otherwise so  
26 obvious that the defendant must have been aware of it. For  
28 conduct to be found unreasonable, it need not be proved that the  
defendant knew the actual plaintiff and intended to harm the  
plaintiff. Conscious disregard of the consequences is not  
sufficient proof of unreasonable conduct.

24 **STATEMENT OF FACT**

26 This bill clarifies the standard for implied or legal malice  
28 in actions involving corporations or motor vehicle operators in  
which punitive damages are sought.