

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

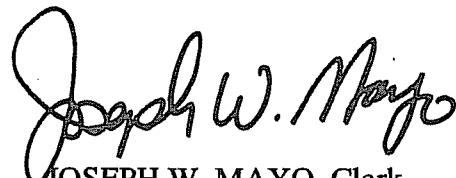
Legislative Document

No. 89

H.P. 59

House of Representatives, January 21, 1993

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative COTE of Auburn.
Cosponsored by Representative KETTERER of Madison.

STATE OF MAINE

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

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 Sec. 1. 14 MRSA §1453 is enacted to read:

6 §1453. Punitive damages

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

14 STATEMENT OF FACT

16 This bill changes current law that requires a plaintiff to
18 prove by clear and convincing evidence that a defendant acted
20 maliciously before the award of punitive damages is made. This
bill allows the award of punitive damages when the conduct of the
defendant rises to the level of gross negligence.