

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1413

S.P. 446

In Senate, May 3, 1993

An Act to Create a Noneconomic Damages Award Act.

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 CIANCHETTE of Somerset.
Cosponsored by Senator: BERUBE of Androscoggin, Representatives: CAMPBELL of Holden,
PLOURDE of Biddeford, PLOWMAN of Hampden, REED of Dexter.

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

4 Sec. 1. 14 MRSA c. 742 is enacted to read:

6 CHAPTER 742

8 NONECONOMIC DAMAGE AWARDS ACT

10 §8161. Short title

12 This Act may be known and cited as the "Noneconomic Damage Awards Act."

14 §8162. Definitions

16 As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

18 1. Actual economic damages. "Actual economic damages" means objectively verifiable pecuniary damages arising from medical expenses and medical care, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income, burial costs, loss of use of property, costs of repair or replacement of property, costs of obtaining substitute domestic services, loss of employment, loss of business or employment opportunities and other objectively verifiable monetary losses.

22 2. Noneconomic damages. "Noneconomic damages" means subjective nonpecuniary damages arising from pain, suffering, inconvenience, physical impairment, disfigurement, mental anguish, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, humiliation, other nonpecuniary damages and any other theory of damages such as fear of loss, illness or injury.

26 §8163. Damage awards

28 In any personal injury action, the prevailing plaintiff may be awarded:

30 1. Compensation for economic damages. Compensation for actual economic damages suffered by the injured plaintiff; and

32 2. Compensation for noneconomic damages. Compensation for noneconomic damages suffered by the injured plaintiff not to exceed \$250,000.

34 §8164. Special damages findings required

2 1. Separate findings to be made. If liability is found in
3 a personal injury or wrongful death action, then the trier of
4 fact, in addition to other appropriate findings, shall make
5 separate findings for each claimant specifying the amount of:

6 A. Any past damages; and

8 B. Any future damages and the periods over which they
9 accrue, on an annual basis, for each of the following types
10 of damages:

12 (1) Medical and other costs of health care;

14 (2) Other economic loss; and

16 (3) Noneconomic loss.

18 2. Calculation of future medical care. The calculation of
19 all future medical care and other costs of health care and future
20 noneconomic loss must reflect the costs and losses during the
21 period of time the claimant will sustain those costs and losses.
22 The calculation for other economic loss must be based on the
23 losses during the period of time the claimant would have lived
24 but for the injury upon which the claim is based.

26
28 **STATEMENT OF FACT**

30 The purpose of this bill is to limit the amount of money
31 that can be awarded to a plaintiff for noneconomic damages in any
32 civil case.

34 The bill provides that a plaintiff may be compensated for
35 noneconomic damages up to \$250,000.