

# 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)

103

L.D. 742

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

DATE: 3/11/96

(Filing No. H- 755)

**JUDICIARY**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 546, L.D. 742, Bill, "An Act Regarding Wrongful Death Actions"

Amend the bill in section 1 by striking out all of subsection (b) and inserting in its place the following:

'(b) Every such action 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, 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 deems determines a fair and just compensation with reference to the pecuniary injuries resulting from such the 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 \$150,000 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 not exceeding

**COMMITTEE AMENDMENT**

R.S.

COMMITTEE AMENDMENT "A" to H.P. 546, L.D. 742

2 \$75,000, provided that the action is commenced within 2 years  
after the decedent's death. If a claim under this section is  
4 settled without an action having been commenced, the amount paid  
in settlement must be distributed as provided in this  
6 subsection. No settlement on behalf of minor children is valid  
unless approved by the court, as provided in Title 14, section  
1605.'

8

10

**STATEMENT OF FACT**

12

The original bill removed the existing cap of \$75,000 on the  
amount of damages that may be awarded to the family of the  
14 deceased to compensate for the loss of comfort, society and  
companionship of the deceased. The bill also extended the time  
16 limit for filing on action from 2 years to 6 years after the  
decedent's death. This amendment replaces the original bill with  
18 a cap of \$150,000 on nonpecuniary damages for the family members  
to compensate for their loss. The amendment does not change the  
20 2-year limitation period for filing an action that is in current  
law.

22

**COMMITTEE AMENDMENT**