

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

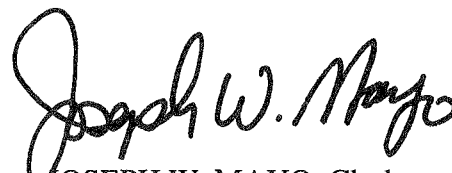
No. 570

H.P. 420

House of Representatives, January 28, 1997

An Act to Clarify the Laws on Punitive Damages.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Portland.
Cosponsored by Representatives: JABAR of Waterville, JONES of Bar Harbor.

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

4 Sec. 1. 14 MRSA §1455 is enacted to read:

6 **§1455. Punitive damages**

8 When a defendant in a civil lawsuit is found to have
10 committed tortious conduct willfully, recklessly, wantonly,
12 intentionally, maliciously or with utter disregard for the
14 well-being of others, the plaintiff, in addition to recovering
16 compensatory damages, may recover from the defendant punitive and
18 exemplary damages. Any award of punitive damages becomes a
20 judgment against the defendant in favor of the plaintiff, as long
22 as 1/3 of any such award is paid by the defendant directly to the
24 Treasurer of State for general purposes and is not considered
26 property of the plaintiff at any time. The plaintiff may not
agree to pay an attorney's fee out of a punitive damages award if
that fee exceeds the amount payable out of the award by the
defendant to the Treasurer of State.

22 **SUMMARY**

24 This bill authorizes the recovery of punitive damages in
26 civil lawsuits, as long as 1/3 of any such award is paid by the
defendant directly to the Treasurer of State for general purposes.