

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 149

H. P. 495

House of Representatives, January 26, 1939.

Referred to Committee on Judiciary and sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Hinckley of Portland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Civil Actions for Death.

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

R. S., c. 101, § 10, amended. Section 10 of chapter 101 of the revised statutes, as amended by chapter 113 of the public laws of 1933, is hereby further amended to read as follows:

'Sec. 10. How such action to be brought; and amount recovered, disposed of; limitation. Every such action shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in every such action, **except as hereinafter provided**, shall be for the exclusive benefit of the widow or widower, if no children, and of the children, if no widow or widower, and if both, then for the exclusive benefit of the widow or widower and the children equally, and, if neither, of his or her heirs. The jury may give such damages as they shall deem a fair and just compensation, not exceeding \$10,000, with reference to the pecuniary injuries resulting from such death to the persons for whose benefit such action is brought, **and in addition thereto, shall give such damages as will compensate the estate of such deceased person for the reasonable expense of medical, surgical, and hospital care and treatment, and for the reasonable expense of the funeral and burial of such deceased person, pro-**

vided, that such action shall be commenced within 2 years after the death of such person.

In every action brought to recover damages for injuries to a person resulting in death, caused by the wrongful act, neglect, or default of another, where such death was preceded by conscious suffering, the jury shall give such damages, in addition to such other damages legally recoverable, as will compensate the estate of such deceased person for the reasonable expense of the funeral and burial of such deceased person.'