

# MAINE STATE LEGISLATURE

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## NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 1059

H. P. 745

House of Representatives, February 28, 1957.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Needham of Orono.

### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

#### AN ACT Relating to Actions Brought for Injuries Causing Death.

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

**Sec. 1. R. S., c. 165, § 10, amended.** The last sentence of section 10 of chapter 165 of the Revised Statutes is hereby amended to read as follows:

'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 reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses, provided ~~that~~ such action shall be commenced within 2 years after the death of such person.'

**Sec. 2. R. S., c. 165, § 11, amended.** Section 11 of chapter 165 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 11. Conscious suffering preceding death.** Whenever death ensues following a period of conscious suffering, as a result of personal injuries due to the wrongful act, neglect or default of any person, the person who caused the personal injuries resulting in such conscious suffering and death shall, in addition to the action at common law and damages recoverable therein, be liable in damages in a separate count in the same action for such death, brought, commenced and determined ~~and subject to the same limitation as to the amount recoverable for such death and~~ exclusively for the beneficiaries in the manner set forth in ~~the preceding~~ section 10, separately found, but in such cases there shall be only one recovery for the same injury.'