

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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Augusta, Maine
1979

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CHAPTER 68

S. P. 119 — L. D. 228

AN ACT to Remove Overlapping Causes of Action, to Limit Municipal Liabilities for Highway Defects and to Remove the Sunset Provision on the Tort Claims Act.

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

Sec. 1. 14 MRSA § 8104, sub-§ 5 is enacted to read:

5. Wrongful death action. Actions for the death of a person brought by the personal representatives of the deceased person shall be brought in the same manner that is provided for similar actions in Title 18, sections 2551 to 2553, and amounts recovered shall be disposed of as required in Title 18, section 2552; provided that the limitations of section 8105 shall apply.

Sec. 2. 18 MRSA § 2552, as last amended by PL 1977, c. 564, § 85, is further amended by inserting at the end the following new paragraph:

Any such action brought against a governmental entity under Title 14, sections 8101 to 8118, shall be limited as provided in those sections.

Sec. 3. 23 MRSA § 3655, next to last sentence, as enacted by PL 1977, c. 591, § 5, is amended to read:

In any action against a town for damages for loss of life permitted under this section, the claim for and award of damages, including costs, against a town and its employees shall be ~~limited and~~ disposed of as provided under Title 18, section 2552, but shall not exceed **\$25,000 for each claim and \$300,000** for any and all claims arising out of a single occurrence. **No damages for the loss of comfort, society and companionship of the deceased shall be allowed in an action under this section.**

Sec. 4. 39 MRSA § 4, 5th sentence, as amended by PL 1973, c. 746, § 4, is further amended to read:

Such employers shall be exempt from civil actions because of such injuries either at common law or under section 141 ~~to~~ 148, **under Title 14, sections 8101 to 8118** or under Title 18, sections 2551 to 2553.

Sec. 5. PL 1977, c. 2, § 5, first ¶, 2nd sentence, as amended by PL 1977, c. 591, § 6, is repealed as follows:

~~This Act shall remain effective until November 1, 1979~~

Effective September 14, 1979