

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2019**

**CHAPTER 198**  
**H.P. 615 - L.D. 841**

**An Act To Amend the Laws  
Governing Damages Awarded  
for Wrongful Death**

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

**Sec. 1. 18-C MRSA §2-807, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

**2. Wrongful death action; damages; limitation.** Every wrongful death action must be brought by and in the name of the personal representative or special administrator of the deceased person, and is distributable, after payment for funeral expenses and the costs of recovery including attorney's fees, directly to the decedent's heirs without becoming part of the probate estate, except as may be specifically provided in this subsection. The amount recovered in every wrongful death action, except as specifically provided in this subsection, is for the exclusive benefit of the deceased's heirs to be distributed to the individuals and in the proportions as provided in sections 2-102 and 2-103. The jury may give damages as it determines a fair and just compensation with reference to the pecuniary injuries resulting from the death. Damages are payable to the estate of the deceased person only if the jury specifically makes an award payable to the estate for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses or, in the case of a settlement, the settlement documents specifically provide for such an allocation to the estate for the same. In addition, the jury may give damages not exceeding ~~\$500,000~~ \$750,000 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. The jury may also give punitive damages not exceeding \$250,000. An action under this section must be commenced within 2 years after the decedent's death, except that if the decedent's death is caused by a homicide, the action may be commenced within 6 years of the date the personal representative or special administrator of the decedent discovers that there is a just cause of action against the person who caused the homicide. If a claim under this section is settled without an action having been commenced, the amount paid in settlement must be distributed as provided in this subsection. A settlement on behalf of minor children is not valid unless approved by the court, as provided in Title 14, section 1605.

See title page for effective date.

**CHAPTER 199**  
**H.P. 639 - L.D. 865**

**An Act To Provide Funding for  
Hunting Opportunities for  
Disabled Veterans**

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

**Sec. 1. 12 MRSA §10201, sub-§7** is enacted to read:

**7. Donations for disabled veterans.** The commissioner may accept money donated to support hunting opportunities in the State for disabled veterans. Any money donated to the department for this purpose must be transferred to the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to be deposited into the Hunting Opportunities for Disabled Veterans Fund established in Title 37-B, section 516.

**Sec. 2. 37-B MRSA §516** is enacted to read:

**§516. Hunting Opportunities for Disabled  
Veterans Fund**

The Hunting Opportunities for Disabled Veterans Fund, referred to in this section as "the fund," is established as a nonlapsing fund administered by the director for the purpose of supporting hunting opportunities in the State for disabled veterans. The fund receives transfers to the fund in accordance with Title 12, section 10201, subsection 7. The director may also accept and deposit into the fund any monetary gifts, donations or other contributions from public or private sources for the purposes of the fund. To the extent funds are available in the fund, the director, with assistance from the Department of Inland Fisheries and Wildlife, shall request proposals for use of those funds from organizations that provide disabled veterans with hunting opportunities in the State and shall fund those proposals that, as determined by the director, will most effectively support the purposes of the fund. The Commissioner of Defense, Veterans and Emergency Management may adopt rules governing the process for accepting proposals and disbursing funds from the fund. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY  
MANAGEMENT, DEPARTMENT OF  
Veterans Services 0110**

Initiative: Provides an ongoing allocation to establish the Hunting Opportunities for Disabled Veterans Fund to support hunting opportunities for disabled veterans.