**§8105. Limitation on damages**

**1. Limit established.**  In any claim or cause of action permitted by this chapter, the award of damages, including costs, against either a governmental entity or its employees, or both, may not exceed $400,000 for any and all claims arising out of a single occurrence.

[PL 1999, c. 460, §1 (AMD); PL 1999, c. 460, §2 (AFF).]

**1-A. Limit established for out-of-state transit district or regional transportation corporation.**

[PL 2011, c. 520, §2 (NEW); MRSA T. 14 §8105, sub-§1-A (RP).]

**2. Costs.**  Court costs, prejudgment interest and all other costs that a court may assess must be included within the damage limit specified by this section. Accrued post-judgment interest may not be included within the damage limit.

[PL 1995, c. 61, §1 (AMD).]

**3. Claims in excess of limit.**  When a claimant or several claimants believe they may have a claim against the State in excess of the limit established in subsection 1, or for a claim for which the State is immune, they may apply to the Legislature for special authorization to proceed within another specified limit.

[PL 1977, c. 2, §2 (NEW).]

**4. Apportionment of claims.**  When the amount awarded to or settled for multiple claimants exceeds the limit imposed by this section, any party may apply to the Superior Court for the county in which the governmental entity is located to allocate to each claimant his equitable share of the total, limited as required by this section.

A. Any award by the court in excess of the maximum liability limit specified by subsection 1 shall be automatically abated by operation of this section to the maximum limit of liability. [PL 1977, c. 2, §2 (NEW).]

[PL 1977, c. 2, §2 (NEW).]

**5. Exclusion from judgment or award.**  No judgment or award against a governmental entity shall include punitive or exemplary damages.

[PL 1977, c. 2, §2 (NEW).]

SECTION HISTORY

PL 1977, c. 2, §§2,5 (NEW). PL 1977, c. 78, §113 (AMD). PL 1977, c. 591, §6 (AMD). PL 1979, c. 68, §5 (AMD). PL 1987, c. 740, §5 (AMD). PL 1995, c. 61, §1 (AMD). PL 1999, c. 460, §1 (AMD). PL 1999, c. 460, §2 (AFF). PL 2011, c. 520, §2 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1. 2023
 . The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.