

**§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).

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