

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Laws Concerning Wrongful Death

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

Sec. 1. 18-A MRSA §2-804, sub-§(b), as amended by PL 2007, c. 280, §1, is further amended to read:

(b). Every ~~such~~wrongful death action must be brought by and in the name of the personal representative of the deceased person, ~~and the~~. ~~The amount recovered in every such~~wrongful death action, except as otherwise provided, is for the exclusive benefit of the surviving spouse if no minor children, and of the children if no surviving spouse, and one-half for the exclusive benefit of the surviving spouse and one-half for the exclusive benefit of the minor children to be divided equally among them if there are both surviving spouse and minor children; and to the deceased's heirs to be distributed as provided in section 2-106 if there is neither surviving spouse nor minor children. The jury may give ~~such~~ damages as it determines a fair and just compensation with reference to the pecuniary injuries resulting from the death ~~to the persons for whose benefit the action is brought~~ and in addition shall give such damages ~~as that~~ will compensate the estate of the deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses, ~~and in~~. In addition, the jury may give damages not exceeding \$500,000 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, and in addition. The jury may also give punitive damages not exceeding \$75,000, provided that the action is \$250,000. An action under this section must be commenced within 2 years after the decedent's death. 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. No A settlement on behalf of minor children is not valid unless approved by the court, as provided in Title 14, section 1605.

Effective September 12, 2009