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Date: (Filing No. H- )

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 581, L.D. 934, “An Act to Amend the Laws Governing Damages Awarded for Wrongful Death”

Amend the bill by inserting before section 1 the following:

**Sec. 1. 18-C MRSA §1-108, sub-§1, ¶B,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1 and PL 2019, c. 417, Pt. B, §14, is amended to read:

B. "Reference base index" means ~~the Consumer Price Index for calendar year 2017;~~

(1) With respect to calculations made under this section relating to dollar amounts stated in sections 2-102, 2-402, 2-403, 2-405 and 3-1201, the Consumer Price Index for calendar year 2017; and

(2) With respect to calculations made under this section relating to the dollar amount stated in section 2-807 for loss of comfort, society and companionship, the Consumer Price Index for calendar year 2023.

**Sec. 2. 18-C MRSA §1-108, sub-§2,** as amended by PL 2019, c. 417, Pt. A, §1, is further amended to read:

**2. Automatic adjustment of amounts for inflation.** The dollar amounts stated in sections 2-102, 2-402, 2-403, 2-405 and 3-1201 apply to the estate of a decedent who died in or after 2017, but for the estate of a decedent who died after 2018, these dollar amounts must be increased or decreased if the Consumer Price Index for the calendar year immediately preceding the year of death exceeds or is less than the reference base index. For a wrongful death action brought with respect to a person who died after 2023, the dollar amount stated in section 2-807, subsection 2 for loss of comfort, society and companionship must be adjusted if the Consumer Price Index for the calendar year immediately preceding the year of death exceeds or is less than the reference base index. The amount of any increase or decrease is computed by multiplying each dollar amount by the percentage by which the Consumer Price Index for the calendar year immediately preceding the year of death exceeds or is less than the reference base index. If any increase or decrease produced by the computation is not a multiple of \$100, the increase or decrease is rounded down, if

**COMMITTEE AMENDMENT**

1 an increase, or up, if a decrease, to the next multiple of \$100, but for the purpose of section  
2 2-405, the periodic installment amount is the lump-sum amount divided by 12. If With  
3 respect to calculations made under this section relating to dollar amounts stated in sections  
4 2-102, 2-402, 2-403, 2-405 and 3-1201, if the Consumer Price Index for 2018 is changed  
5 by the United States Department of Labor, Bureau of Labor Statistics, the reference base  
6 index must be revised using the rebasing factor reported by the Bureau of Labor Statistics  
7 or other comparable data if a rebasing factor is not reported. With respect to calculations  
8 made under this section relating to the dollar amount stated in section 2-807 for loss of  
9 comfort, society and companionship, if the Consumer Price Index for calendar year 2023  
10 is changed by the United States Department of Labor, Bureau of Labor Statistics, the  
11 reference base index must be revised using the rebasing factor reported by the Bureau of  
12 Labor Statistics or other comparable data if a rebasing factor is not reported.'

13 Amend the bill in section 1 in subsection 2 in the 15th line (page 1, line 18 in L.D.) by  
14 striking out the following: "\$1,500,000" and inserting the following: '\$1,000,000 adjusted  
15 for inflation as provided in section 1-108'

16 Amend the bill in section 1 in subsection 2 in the 19th line (page 1, line 22 in L.D.) by  
17 striking out the following: "\$1,000,000" and inserting the following: '\$500,000'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
19 number to read consecutively.

## 20 SUMMARY

21 This amendment, which is the majority report of the committee, increases the limit on  
22 damages for the loss of comfort, society and companionship and emotional distress in a  
23 case of wrongful death from \$750,000 in current law to \$1,000,000, instead of to  
24 \$1,500,000 as proposed in the bill, and provides for that amount to be adjusted based on  
25 inflation calculated in relation to the consumer price index. It also increases the limit on  
26 punitive damages from \$250,000 in current law to \$500,000, instead of to \$1,000,000 as  
27 proposed in the bill. The amendment also, like the bill, increases from 2 years to 3 years  
28 the time after the decedent's death within which a wrongful death action may be  
29 commenced.

## 30 FISCAL NOTE REQUIRED

31 (See attached)