

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1578

S. P. 566

In Senate, May 20, 1965

Reported by Minority from Committee on Judiciary and printed under Joint Rules No. 10.

EDWIN H. PERT, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Comparative Negligence in Civil Actions.

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

Sec. 1. R. S., T. 14, § 156, additional. Title 14 of the Revised Statutes is amended by adding a new section 156 to read as follows:

§ 156. Contributory negligence an affirmative defense; presumption and burden of proof

In all actions, civil or criminal, to recover damages for causing the death of a person or for injuries to the person or property or for consequential damages arising out of such injuries or death, the plaintiff, or the person killed or injured or damaged in his property or caused to sustain consequential damages or his agent or custodian or any other person whose conduct is imputed to him or with whose conduct he is chargeable shall be presumed to have been in the exercise of due care and contributory negligence on the part of the plaintiff and every such person, shall be an affirmative defense to be set up in the answer and proved by the defendant.'

Sec. 2. Effective date. This Act shall take effect on January 1, 1966.