

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
104th LEGISLATURE

SENATE AMENDMENT "A" to S.P. 89, L.D. 251, Bill, "AN ACT Relating to Comparative Negligence in Civil Actions."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. R. S., T. 14, §156, amended. The 2nd paragraph of section 156 of Title 14 of the Revised Statutes, as enacted by chapter 424 of the public laws of 1965, is repealed and the following enacted in place thereof:

Where damages are recoverable by any person by virtue of this section, subject to such reduction as is mentioned, the court shall instruct the jury to find and record the total damages which would have been recoverable if the claimant had not been at fault, and further instruct the jury to reduce the total damages by dollars and cents, and not by percentage, to the extent deemed just and equitable, having regard to the claimant's share in the responsibility for the damages, and instruct the jury to return both amounts with the knowledge that the lesser figure is the final verdict in the case.

The trial judge shall read the foregoing 2 paragraphs to the jury in their entirety.

Sec. 2. R. S., T. 14, §156, amended. Section 156 of Title 14 of the Revised Statutes, as enacted by chapter 424 of the public laws of 1965, is amended by adding at the end the following new paragraph:

'In a case involving multi-party defendants, each defendant shall be jointly and severally liable to the plaintiff for the full amount of the plaintiff's damages. However, any defendant shall have the right through the use of special interrogatories to request of the jury the percentage of fault contributed by each defendant.'

Proposed by Senator MILLS of Franklin.

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