

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1041

S. P. 342

In Senate, February 22, 1973

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Richardson of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Comparative Negligence in Civil Cases.

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

R. S., T. 14, § 156, repealed and replaced. Section 156 of Title 14 of the Revised Statutes, as enacted by chapter 424 of the public laws of 1965, and as amended, is repealed and the following enacted in place thereof:

§ 156. Comparative negligence

In any action to recover damages for injury to persons or property, the contributory negligence of the plaintiff shall not bar a recovery, but the damages awarded shall be diminished by the trier of fact in proportion to the amount of the harm caused by the plaintiff's negligent conduct. The court shall instruct the jury to find and record the total damages, in dollars and cents, recoverable if the plaintiff had not negligently caused any of the harm, and further instruct the jury to report the amount to which the damages are diminished, in dollars and cents, so that both amounts are reported, with the knowledge that the lesser figure is the final verdict in the case. The contributory negligence of the plaintiff is to be pleaded and proved by the defendant.

Where recovery is allowed against more than one defendant, the trier of fact shall apportion, in accordance with the harm caused by each defendant, the amount in dollars and cents awarded against each defendant. Each defendant shall be jointly and severally liable to the plaintiff for the full amount of the plaintiff's damages, but for contribution between defendants each defendant shall be liable for that proportion of the verdict as the trier of fact has apportioned against him.

STATEMENT OF FACT

The purpose of this bill is to change the comparative negligence statute to cover cases involving recovery for strict liability and to add a provision concerning comparative contribution.