

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 250

H.P. 198 House of Representatives, February 5, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative HILLOCK of Gorham.  
Cosponsored by Representative ARMSTRONG of Wilton.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Affecting Joint and Several Liability.  
2

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

5 14 MRSA c. 742 is enacted to read:

6 CHAPTER 742

7 JOINT AND SEVERAL LIABILITY

8 §814i. Several liability; maximum amount recoverable

9 1. Several liability only. In any action for  
10 personal injury, property damage or wrongful death,  
11 the liability of each defendant for damages shall be  
12 several only and shall not be joint. Each defendant  
13 shall be liable only for the amount of damages allo-

1 cated to that defendant in direct proportion to that  
2 defendant's percentage of fault, and a separate judg-  
3 ment shall be rendered against the defendant for that  
4 amount.

5 2. Maximum amount recoverable. To determine the  
6 amount of judgment to be entered against each defend-  
7 ant, the court, with regard to each defendant, shall  
8 multiply the total amount of damages recoverable by  
9 the plaintiff by the percentage of each defendant's  
10 fault, and that amount shall be the maximum recover-  
11 able against the defendant.

12 §8142. Fault of nonparties

13 1. Fault of all contributors considered. In as-  
14 sessing percentages of fault the trier of fact shall  
15 consider the fault of all persons who contributed to  
16 the alleged injury or death or damage to property,  
17 tangible or intangible, regardless of whether the  
18 person was, or could have been, named as a party to  
19 the suit.

20 A. Negligence or fault of a nonparty may be con-  
21 sidered if the plaintiff entered into a settle-  
22 ment agreement with the nonparty or if the de-  
23 fending party gives notice within 120 days of the  
24 date of trial that a nonparty was wholly or par-  
25 tially at fault.

26 B. The notice shall be given by filing a plead-  
27 ing in the action designating that nonparty and  
28 setting forth the nonparty's name and last known  
29 address, or the best identification of the  
30 nonparty which is possible under the circum-  
31 stances, together with a brief statement of the  
32 basis for believing the nonparty to be at fault.

33 2. Nonparties at fault. Nothing in this chapter  
34 is meant to eliminate or diminish any defenses or im-  
35 munities which currently exist, except as expressly  
36 noted in this chapter. Assessments of percentages of  
37 fault for nonparties are used only as a vehicle for  
38 accurately determining the fault of named parties.  
39 When fault is assessed against nonparties, findings  
40 of such fault shall not subject any nonparty to lia-  
41 bility in this or any other action, or be introduced  
42 as evidence of liability in any action.

