

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 358

H.P. 275 House of Representatives, February 12, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MANNING of Portland.
Cosponsored by Representative CURRAN of Westbrook.

STATE OF MAINE

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

1 AN ACT to Amend the Maine Tort Claims Act to
2 Remove Joint and Several Liability for
3 Government Entities.
4

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

7 14 MRSA §8119 is enacted to read:

8 §8119. Several liability

9 The liability of a government entity or its em-
10 ployees with respect to judgments or awards resulting
11 from any claims permitted under this chapter shall
12 not exceed the extent of their actual negligence.

1

STATEMENT OF FACT

2 Under the Maine Tort Claims Act, the State, mu-
3 nicipalities, counties, quasi-municipal districts,
4 other political subdivisions and their employees are
5 jointly and severally liable for judgments on claims
6 permitted under the Maine Tort Claims Act. If the
7 State or a municipality is a joint tortfeasor even if
8 only minimally negligent, it nonetheless could be lia-
9 ble for the entire amount of the judgment if the oth-
10 er joint tortfeasors lack the ability to pay their
11 share of the judgment.

12 This bill limits the liability of the State, its
13 political subdivisions and their employees for any
14 judgment stemming from a claim for which it is not
15 immune to suit strictly to the degree of negligence
16 shown by the State, political subdivision and their
17 employees. Unlike private parties, government enti-
18 ties provide a social services network that can as-
19 sist plaintiffs who are unable to recover from de-
20 fendants who lack the resources to pay their share of
21 a judgment.

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