

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 680

H.P. 500

House of Representatives, March 7, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SEAVEY of Kennebunkport.

Cosponsored by Representative HANLEY of Paris.

STATE OF MAINE

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

An Act to Protect Civil Litigants.



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

3 Sec. 1. 4 MRSA c. 17, sub-c. IV is enacted to read:

5 SUBCHAPTER IV

7 ATTORNEY FEES

9 §911. Contingent fees

11 1. Definition. As used in this subchapter, unless the
13 context otherwise indicates, the following terms have the
following meanings.

15 A. "Contingent fee" includes any fee arrangement under
17 which the compensation is to be determined in whole or in
part on the result obtained.

19 2. Limitation. In any action, the total contingent fee for
21 the plaintiff's attorney or attorneys shall not exceed 25% of the
total sum recovered in that action, exclusive of litigation
23 expenses.

25 3. Future damages; lump-sum value. For the purposes of
27 determining any lump-sum contingent fee, any future damages
recoverable by the plaintiff in periodic installments shall be
reduced to lump-sum value.

29 Sec. 2. 24 MRSA §2961, sub-§1, as enacted by PL 1985, c. 804,
31 §§16 and 22, is repealed and the following enacted in its place:

33 1. Limitation. In an action for professional negligence,
35 the total contingent fee for the plaintiff's attorney or
attorneys shall not exceed 25% of the total sum recovered in that
action, exclusive of litigation expenses.

37

39 STATEMENT OF FACT

41 This bill provides that in any action, the total contingent
43 fee for the plaintiff's attorney or attorneys may not exceed 25%
of the total sum recovered in that action, exclusive of
litigation expenses.