

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 244, L.D. 346, Bill, "An Act to Change the Maine Rule of Evidence That Currently Allows the Admission of Subsequent Remedial Measures as Evidence of Negligence"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 14 MRSA §1403 is enacted to read:

§1403. Admission of evidence

Notwithstanding any court rule to the contrary, when, after an event, measures are taken that, if taken previously, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event. This section does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control or feasibility of precautionary measures, if controverted, or impeachment.

Sec. 2. Application. This Act applies to causes of action in which the harm or injury occurred on or after the effective date of this Act.'

STATEMENT OF FACT

This amendment replaces the bill with the language contained

in the Federal Rules of Evidence, Rule 407.

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4 The current Maine Rules of Evidence, Rule 407 allows
6 evidence of subsequent remedial measures to be admitted into a
8 court proceeding when the measures are taken to correct tangible
things, such as stairways, after an event has occurred. The
current rule does not allow the admission of evidence of changes
in nontangible things, such as policies and procedures.

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12 This amendment does not allow the introduction of evidence
14 of subsequent remedial measures for the purpose of proving
negligence or culpable conduct. Consistent with the federal
rule, however, that evidence may be admitted for other purposes.

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16 This amendment provides that the change in the admissibility
18 of evidence of subsequent remedial measures applies to causes of
action in which the harm or injury occurred on or after the
effective date of this Act.