

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1006

S.P. 346

In Senate, February 24, 2005

### An Act To Modify Joint and Several Liability

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator NASS of York.

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

4 **Sec. 1. 14 MRSA §222** is enacted to read:

6 **§222. Liability among defendants**

8 **1. Joint and several liability.** In an action involving  
10 more than one defendant when 2 or more defendants as part of a  
common enterprise or plan act in concert and cause harm, the  
liability of each defendant for all damages is joint and several.

12 **2. Several, not joint liability.** In any action involving  
14 more than one defendant not governed by subsection 1, the  
liability of each defendant is several only and is not joint.  
Each defendant is liable only for the amount of damages allocated  
16 to that defendant in direct proportion to that defendant's  
percentage of negligence, and a separate judgment must be  
18 rendered against that defendant for that amount.

20 **3. Application.** This section does not affect joint and  
22 several liability that is explicitly established elsewhere by  
statute.

24 **SUMMARY**

26 This bill modifies joint and several liability among  
28 defendants. If 2 or more defendants act in concert to cause harm  
as part of a common enterprise or plan, their liability for the  
30 harm is joint and several. In all other cases, liability is  
several, not joint. This change in the law does not apply to  
32 joint and several liability that is explicitly established  
elsewhere by statute.