

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 434

S.P. 163

In Senate, February 24, 2015

An Act To Promote Equity in the Joint and Several Liability Law in Maine

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative GUERIN of Glenburn and
Senators: DILL of Penobscot, MASON of Androscoggin, Representatives: HANINGTON of
Lincoln, LOCKMAN of Amherst, LONG of Sherman, THERIAULT of China, WARD of
Dedham.

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

2 **Sec. 1. 14 MRSA §156, 5th ¶**, as amended by PL 1999, c. 633, §1 and affected
3 by §3, is further amended to read:

4 In a case involving multiparty defendants, each defendant is jointly and severally
5 liable to the plaintiff for the full amount of the plaintiff's damages. ~~However, any, except~~
6 that, if a defendant is less than 50% at fault, that defendant's liability is several and not
7 joint and the defendant is liable for only the amount of the damages attributable to that
8 defendant. This limitation on liability also applies in any claim for contribution or action
9 brought by another defendant. A defendant has the right through the use of special
10 interrogatories to request of the jury the percentage of fault contributed by each
11 defendant. If a defendant is released by the plaintiff under an agreement that precludes
12 the plaintiff from collecting against remaining parties that portion of any damages
13 attributable to the released defendant's share of responsibility, then the following rules
14 apply.

15 **SUMMARY**

16 Under current Maine law, if 2 or more defendants are found to be liable to a plaintiff
17 for the same injury, the defendants are jointly and severally liable for the full amount of
18 the plaintiff's damages.

19 This bill provides that, if a defendant is less than 50% at fault for the plaintiff's
20 injury, that defendant's liability for damages is equal to the percentage attributable to that
21 defendant. This limitation also applies to claims for contribution and actions brought by
22 another defendant.