

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 194

H.P. 150

House of Representatives, January 24, 2017

An Act To Ensure Equity in the Awarding of Compensation for Tort Claims

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GINZLER of Bridgton.
Cosponsored by Senator CUSHING of Penobscot and
Representatives: GUERIN of Glenburn, LOCKMAN of Amherst, STEARNS of Guilford,
WALLACE of Dexter, 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 pecuniary damages. ~~However,~~
6 any For nonpecuniary damages, including emotional distress, pain and suffering and the
7 loss of comfort, society and companionship, a defendant's liability is several and each
8 defendant is liable for only the amount of the nonpecuniary damages proportional to the
9 percentage of fault attributable to that defendant, unless the defendants acted in concert,
10 in which case the defendants are jointly and severally liable for the nonpecuniary
11 damages. This limitation on liability also applies in any claim for contribution or action
12 brought by another defendant. A defendant has the right through the use of special
13 interrogatories to request of the jury the percentage of fault contributed by each
14 defendant. If a defendant is released by the plaintiff under an agreement that precludes
15 the plaintiff from collecting against remaining parties that portion of any damages
16 attributable to the released defendant's share of responsibility, then the following rules
17 apply.

18 **SUMMARY**

19 This bill provides that, if 2 or more defendants are found to be liable for a plaintiff's
20 injury, then the defendants are jointly and severally liable for the plaintiff's pecuniary
21 damages, but each defendant is only severally liable for nonpecuniary damages
22 proportional to the percentage of fault attributable to that defendant. If the defendants
23 acted in concert, they are jointly and severally liable for the nonpecuniary damages as
24 well.