

# MAINE STATE LEGISLATURE

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# NINETY - SECOND      L E G I S L A T U R E

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**Legislative Document**

**No. 117**

H. P. 330

House of Representatives, January 25, 1945.

Referred to Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Peirce of Augusta.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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**AN ACT with reference to Pleading and Proving Contributory Negligence.**

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

**R. S., c. 100, § 50, repealed and replaced.** Section 50 of chapter 100 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘Sec. 50. Defendant has burden of proving contributory negligence. In all actions to recover damages for injuries to the person or property or for causing the death of a person, the person injured or killed shall be presumed to have been in the exercise of due care, and contributory negligence on his or her part shall be an affirmative defense to be pleaded and proved by the defendant.’