

MAINE STATE LEGISLATURE

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N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 854

H. P. 607

House of Representatives, February 19, 1957.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Earles of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT to Apportion Damages Due to Contributory Negligence.

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

R. S., c. 113, §§ 50-A - 50-B, additional. Chapter 113 of the Revised Statutes is hereby amended by adding thereto 2 new sections to be numbered 50-A and 50-B, to read as follows:

'Sec. 50-A. Contributory negligence not to bar recover; damages apportioned. In all actions hereafter accruing for negligence resulting in personal injury or wrongful death or injury to property, including those in which the defendant has had the last clear chance to avoid the injury, the contributory negligence of the person injured, or of the deceased, or of the owners of the property, or of the person having control over the property, shall not bar a recover, but the damages awarded shall be diminished in proportion to the amount of negligence attributable to the injured person or to the deceased or to the owner of the property or to the person having control over the property.

Sec. 50-B. Damages and diminution of damages determined as findings of fact or special verdict. In any action to which section 50-A applies, the court shall make findings of fact or the jury shall return a special verdict which shall state:

- I. The amount of the damages which would have been recoverable if there had been no contributory negligence; and
- II. The extend to which such damages are diminished by reason of such contributory negligence.'