

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

### **SUMMARY**

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

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