

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

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘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 pecuniary damages. ~~However, any~~For nonpecuniary damages including emotional distress, pain and suffering and the loss of comfort, society and companionship, a defendant's liability is several and each defendant is liable for only the amount of the nonpecuniary damages proportional to the percentage of fault attributable to that defendant, unless the defendants acted in concert, in which case the defendants are jointly and severally liable for the nonpecuniary damages. 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

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill.

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.

The bill eliminates joint and several liability for a defendant who is less than 50% at fault while this amendment retains joint and several liability for pecuniary damages and in certain circumstances. This amendment provides that, if 2 or more defendants are found to be liable for a plaintiff's injury, then the defendants are jointly and severally liable for the plaintiff's pecuniary damages, but each defendant is only severally liable for nonpecuniary damages proportionate to the percentage of fault attributable to that defendant. If the defendants acted in concert, they are jointly and severally liable for the nonpecuniary damages as well.

FISCAL NOTE REQUIRED
(See attached)