



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1233

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H.P. 894

House of Representatives, March 14, 2019

### An Act Regarding Offers of Settlement

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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 BAILEY of Saco.  
Cosponsored by Representative: CARDONE of Bangor.

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

2 **Sec. 1. 14 MRSA §103** is enacted to read:

3 **§103. Offers to stipulate to entry of judgment**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Actual costs" means recoverable costs as described in section 1502-B and  
7 discretionary costs as described in section 1502-C.

8 B. "Adjusted verdict" means the verdict plus interest and costs from the filing of the  
9 notice of claim, or, if not applicable, from the filing of the complaint, through the  
10 date of the offer.

11 C. "Average offer" means the sum of an offer and a counteroffer, divided by 2. If no  
12 counteroffer is made, the offer must be used as the average offer.

13 D. "Counteroffer" means a written reply to an offer, served within 21 days after  
14 service of the offer, in which a party rejects an offer of the adverse party and makes  
15 that party's own offer.

16 E. "Offer" means a written notification to an adverse party of the offeror's  
17 willingness to stipulate to the entry of judgment in a sum certain, which is deemed to  
18 include all costs and interest then accrued. If a party has made more than one offer,  
19 the most recent offer controls for the purposes of this section.

20 F. "Verdict" includes:

21 (1) A jury verdict;

22 (2) A judgment by the court after a nonjury trial; and

23 (3) A judgment entered as a result of a ruling on a motion after rejection of the  
24 offer of judgment.

25 **2. Offer.** Prior to 28 days before trial, a party may serve on the adverse party a  
26 written offer to stipulate to the entry of judgment for the whole or part of the claim,  
27 including interest and costs then accrued.

28 **3. Acceptance or rejection of offer.** The following provisions govern the  
29 acceptance or rejection of an offer.

30 A. To accept an offer, the adverse party, within 21 days after service of the offer,  
31 must serve on the other parties a written notice of agreement to stipulate to the entry  
32 of judgment offered and file the offer, the notice of acceptance and proof of service  
33 of the notice with the court. The court shall enter a judgment according to the terms  
34 of the stipulation.

35 B. An offer is rejected if the offeree:

36 (1) Expressly rejects it in writing; or

37 (2) Does not accept it as provided in paragraph A.

