



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 458

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H.P. 308

House of Representatives, February 14, 2013

### An Act Regarding Comparative Negligence

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BECK of Waterville.  
Cosponsored by Senator LACHOWICZ of Kennebec and  
Representatives: BERRY of Bowdoinham, DeCHANT of Bath, HICKMAN of Winthrop,  
MONAGHAN-DERRIG of Cape Elizabeth.

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

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

4 When any person suffers death or damage as a result partly of that person's own fault  
5 and partly of the fault of any other person or persons, a claim in respect of that death or  
6 damage may not be defeated by reason of the fault of the person suffering the damage,  
7 but the damages recoverable in respect thereof must be reduced to such extent as the jury  
8 thinks just and equitable having regard to the claimant's share in the responsibility for the  
9 damage. If the jury finds that the fault of the claimant is greater than the fault of all other  
10 persons, the claimant may not recover.

11 **Sec. 2. 14 MRSA §156, 4th ¶**, as amended by PL 1999, c. 633, §1 and affected  
12 by §3, is repealed.

13 **SUMMARY**

14 This bill amends the laws governing comparative negligence. This bill provides that  
15 if a jury finds that the fault of a claimant is greater than the fault of all other persons, the  
16 claimant may not recover.