

How Maine's Comparative Negligence Law Affects Your Car Accident Settlement

Our Maine car accident lawyers gather the facts to prove who was at fault

You did everything right. You were driving carefully in Portland or another part of Maine, obeying the law, and suddenly another car slammed into you. Now, you're injured, missing work, and trying to figure out how to pay your medical bills.

But when you file a [car accident](#) claim in Maine, the insurance company throws you a curveball. They say you're partly to blame for the crash, even if it's not true. Since you're in Maine, that one detail could drastically change the outcome of your case.

Under Maine's comparative negligence law, the amount of money you can recover after a crash depends on how badly you were hurt and how much of the crash was your fault (if any). If the insurance company can pin just enough blame on you, they can reduce your settlement or deny it completely.

If you've been hurt in a crash, knowing how Maine's car accident laws work and how a car accident attorney can help protect your rights could make all the difference in your recovery.

How does fault affect your right to compensation in Maine?

Maine follows something called a "[modified comparative negligence](#)" rule. That means when both drivers share some level of responsibility for the crash, your compensation gets adjusted based on your percentage of fault. But if you're found to be 50% or more at fault, you're not allowed to recover any compensation.

Let's say you are awarded \$100,000 in damages. If you're found 10% at fault, you'll still recover 90%, or \$90,000. But if you're found exactly 50% at fault, you walk away with zero.

This is about strategy. Insurance companies know they can use this rule to their advantage. Their goal is to push your fault percentage as close to 50% as possible. Why? Because if they succeed, they won't have to pay you a dime.

How do insurance companies assign fault after a crash?

After a car accident, insurance adjusters review the details of what happened. Then they decide who they think caused the crash and how much blame each person should be assigned.

But here's what most people don't realize: these fault percentages aren't always fair. Insurance companies are businesses, and they're motivated to save money. That often means shifting blame onto the injured person, even if it's a stretch.

You might get blamed for speeding slightly, being distracted, or not reacting fast enough. These details, while minor in the moment, can turn into major issues in a settlement negotiation. If you don't push back, you could lose thousands of dollars, or the entire value of your claim.

What happens if more than two drivers were involved?

In many crashes, more than two drivers may be involved. Maybe one car swerved, another slammed on the brakes, and a chain reaction followed. In these cases, fault can be split among three or more parties.

Let's say you were one of four cars involved in a pile-up. If you're found 20% at fault, another driver 30%, and another 50%, your compensation would still be allowed. However, it would be reduced by your 20%. As long as you stay under that 50% threshold, you can still recover compensation. But if the percentages shift, even slightly, your right to receive compensation could vanish.

In complex crashes, it's not always clear who did what. This is where having an experienced Maine car accident lawyer can be helpful. If you don't have someone investigating your crash, the other drivers and their insurance companies may shift blame your way just to reduce their own liability.

Can I challenge the insurance company's fault decision?

Yes, you can challenge the insurance company's fault decision, and you absolutely should. Insurance companies don't have the final say. Their fault assessment is just their opinion, and you're allowed to contest it.

To have a viable claim that shows you're not at fault, you must prove four things:

1. The other driver had a duty of care to uphold. This means staying attentive, sober, and compliant with traffic laws.
2. The other driver failed to uphold their duty of care by driving distracted, drunk, or recklessly.
3. Your crash was caused by the other driver's failure to uphold their duty of care.
4. You suffered injuries and damages as a result of the other driver's actions or inaction.

A Maine car accident attorney can collect and present evidence to push back against unfair blame. Successful strategies might include:

- Gathering photos or video evidence.
- Interviewing witnesses.
- Getting black box data from the vehicles.
- Hiring car accident reconstruction professionals.

- Challenging inaccurate or incomplete police reports.

These steps can shift the narrative and lower your assigned percentage of fault, sometimes to zero. That could change your entire financial future.

What should I do right after a crash to protect myself?

The steps you take right after a crash can protect your rights or make it easier for insurance companies to blame you later. Here's what you should do in the immediate aftermath:

- Call the police and get a written crash report. Without an official record, it's your word against theirs.
- Document everything at the crash scene. Take photos of the damage, road conditions, skid marks, and any traffic signs.
- Get names and phone numbers from witnesses. Don't rely on the police to record everyone.
- Seek medical attention immediately, even if you feel okay. Some injuries don't show symptoms right away. And by seeing a doctor, you'll link your injury to your accident.
- Don't admit fault, even casually. Saying "I didn't see them" or "I may have been speeding" can hurt your case later.
- Avoid giving recorded statements to the other driver's insurance without speaking to a lawyer first. Anything you say could later be used to reduce or deny your claim.

How does the legal process assign fault if your case goes to trial?

If you and the insurance company can't agree on who was at fault, your case may go to court. At that point, a jury or judge looks at all the evidence and decides who caused the crash and in what percentage.

This is why preparation is key to the outcome of your case. Your attorney can present your side using photos, diagrams, expert testimony, and medical records. The other side will do the same. The goal is to show that your share of the blame (if any) stays below the 50% line.

Why should you contact a car accident attorney sooner rather than later?

After a crash, time works against you. Witnesses forget what they saw. Security camera footage gets erased. Physical evidence disappears. And every day that passes gives the insurance company more time to build their case against you.

In Maine, you generally have six years to file a personal injury lawsuit after a car crash—but that doesn't mean you should wait that long. The sooner you act, the better your chances of finding strong evidence and recovering fair compensation.

A car accident attorney can get to work immediately in many different ways, including:

- Investigate the crash site.
- Preserve crucial evidence.
- Interview witnesses while memories are fresh.
- Handle communication with insurance adjusters.
- Consult with accident reconstruction experts if necessary.
- Help you avoid costly missteps in what you say or sign.

Most importantly, they'll help you understand whether the insurance company is trying to shortchange you by unfairly assigning fault.

Our Maine car accident lawyers will fight back if you're being unfairly blamed

If you were hurt in a car accident in Maine, the most important decision you make right now could be who you choose to represent you. Insurance companies are likely already working behind the scenes to downplay your injuries and shift the blame onto you. But you don't have to face them alone. You deserve a legal team that's experienced, compassionate, and relentless in the pursuit of justice. That's where [Romanow Law Group](#) comes in.

We've helped crash victims across Maine recover the compensation they need to rebuild their lives. Our attorneys know how to deal with adjusters who downplay your injuries, delay your claim, or pressure you into accepting less than you deserve. We prepare every case as if it's going to trial, and that preparation pays off in higher settlements, stronger cases, and real accountability.

Let us handle the legal fight while you focus on healing. [Contact us online](#) or call our Portland law office today for a free consultation.

"With David you not only get an attorney you get someone to lean on that is willing to fight for every dime you deserve. I could not have asked for a better person or attorney to represent me. The only thing I wish I would have done was call David sooner!! I cannot thank you enough." – D.M., ★★ ★★ ★★ ★★ ★★