

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 976

S. P. 310

In Senate, February 21, 1973

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Richardson of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT Relating to Lack of Privity as a Defense in Action Against
Manufacturer, Seller or Supplier of Goods.**

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

Sec. 1. R. S., T. 11, § 2-318, repealed and replaced. Section 2-318 of Title 11 of the Revised Statutes, as repealed and replaced by section 1 of chapter 327 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 2-318. When lack of privity no defense in action against manufacturer, seller or supplier of goods

Lack of privity between plaintiff and defendant shall be no defense in any action brought against the manufacturer, seller or supplier of goods for breach of warranty, express or implied, although the plaintiff did not purchase the goods from the defendant, if the plaintiff was a person whom the manufacturer, seller or supplier might reasonably have expected to use, consume or be affected by the goods.

Sec. 2. R. S., T. 14, § 161, repealed and replaced. Section 161 of Title 14 of the Revised Statutes, as enacted by section 2 of chapter 327 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 161. When lack of privity no defense in action against manufacturer, seller or supplier of goods

Lack of privity between plaintiff and defendant shall be no defense in any action brought against the manufacturer, seller or supplier of goods under Title 11, section 2-318-A or for negligence, although the plaintiff did not pur-

chase the goods from the defendant, if the plaintiff was a person whom the manufacturer, seller or supplier might reasonably have expected to use, consume or be affected by the goods.

Sec. 3. Application. This Act shall not be construed to affect any transaction occurring prior to the effective date of this Act.

STATEMENT OF FACT

The purpose of this bill is to make clear that privity shall not be a defense in actions for physical harm to person or property caused by defective products.