

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 978

S. P. 312

In Senate, February 21, 1973

Referred to 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 Liability for Physical Harm to Users, Consumers or Bystanders from Defective Consumer Goods.

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

Sec. 1. R. S., T. 11, § 2-318-A, additional. Title 11 of the Revised Statutes is amended by adding a new section 2-318-A, to read as follows:

§ 2-318-A. Defective or unreasonably dangerous goods

One who sells any consumer goods in a defective condition unreasonably dangerous to the user or consumer or to his property is subject to liability for physical harm thereby caused to a person whom the manufacturer, seller or supplier might reasonably have expected to use, consume or be affected by the goods, or to his property, if the seller is engaged in the business of selling such a product, and it is expected to and does reach the user or consumer without significant change in the condition in which it is sold. This section applies although the seller has exercised all possible care in the preparation and sale of his product, and the user or consumer has not bought the product from or entered into any contractual relation with the seller.

Recovery under this section shall not be barred by the contributory fault of the plaintiff. The effect of any contributory fault of the plaintiff shall be governed by Title 14, section 156.

Sec. 2. Application. This Act shall not be construed to affect any cause of action arising prior to the effective date of this Act.

STATEMENT OF FACT

This section creates a cause of action on behalf of the person injured or damaged as a result of exposure to defective and unreasonably dangerous consumer goods.