

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1568

7
8 S.P. 598

In Senate, May 23, 1985

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

11 Reference to the Committee on Legal Affairs suggested and ordered
printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Clark of Cumberland.

12 Cosponsored by Senator Perkins of Hancock.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT Concerning Liability for Injuries
19 Caused by Drunken Persons.
20

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

23 17 MRSA §2002 is repealed and the following en-
24 acted in its place:

25 §2002. Responsibility for injuries by drunken per-
26 sons

27 Every person, who is injured in person, property,
28 means of support or otherwise by any intoxicated per-
29 son or by reason of intoxication of any person, shall
30 have a right of action in his own name against anyone
31 who, by selling or giving any intoxicating liquors,
32 in violation of law, has caused or contributed to the
33 intoxication of that person. In that action the
34 plaintiff may recover both actual and exemplary dam-
35 ages up to the amount of \$100,000. In order to re-

1 cover damages under this section, the plaintiff shall
2 give written notice to the seller or giver within one
3 year of the occurrence of the injury to person or
4 property. Notice shall specify the plaintiff's in-
5 tervention to bring an action under this section and
6 further the time, the date and the person to whom
7 that sale was made, the name and address of the per-
8 son injured or whose property was damaged and the
9 time, date and place where the injury to person or
10 property occurred.

11 STATEMENT OF FACT

12 The purpose of this bill is to place a \$100,000
13 limitation on the amount which can be recovered
14 against a proprietor who serves liquor to a patron
15 where the patron subsequently injures another person.
16 The bill also requires notice of the action within
17 one year of the occurrence.

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