## MAINE STATE LEGISLATURE

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## 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

Legislative Document

No. 971

H.P. 673

House of Representatives, March 10, 2009

An Act To Amend the Laws Governing Liquor Liability and Licensing

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

Millient M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BERRY of Bowdoinham. Cosponsored by Representatives: CLEARY of Houlton, DILL of Cape Elizabeth, HINCK of Portland, STUCKEY of Portland, TRINWARD of Waterville, WATSON of Bath.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 28-A MRSA §1051, sub-§7 is enacted to read:
3 4 5	7. Liability insurance. A licensee holding a license for the sale of liquor to be consumed on the premises where sold shall maintain liability insurance in an amount no less than \$400,000 at all times.
6 7	Sec. 2. 28-A MRSA §2508, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:
8	§2508. Damages
9 10 11	1. Damages. Damages may be awarded for property damage, bodily injury or death proximately caused by the consumption of the liquor served by the server as in other tortactions.
12 13 14	2. Damages under wrongful death and survival laws. Except as otherwise provided in this Act, damages may be recovered under Title 18-A, sections 2-804 and 3-817, as in other tort actions, subject to the damage limit of section 2509.
15	Sec. 3. 28-A MRSA §2509, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.
16	Sec. 4. 28-A MRSA §2513, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.
17 18	Sec. 5. 28-A MRSA §2514, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:
19	§2514. Statute of limitations
20 21	Any action under this Act against a server alleging negligent or reckless conduct must be brought within $\frac{2}{6}$ years after the cause of action accrues.
22	SUMMARY
23	This bill amends the laws governing liquor liability and licensing.
24 25	1. It requires that a licensee that holds a license for the sale of liquor to be consumed on the premises where sold to maintain liability insurance of no less than \$400,000;
26 27	2. It repeals the limitation on awards for damages under the Maine Liquor Liability Act;
28 29	3. It repeals the written notice requirement to defendants under the Maine Liquor Liability Act; and
30 31	4. It extends from 2 to 6 years the statute of limitations for bringing an action under the Maine Liquor Liability Act.