

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 852

H.P. 601

House of Representatives, March 7, 2017

An Act To Make Changes to the Maine Liquor Liability Act

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MONAGHAN of Cape Elizabeth.

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

2 **Sec. 1. 28-A MRSA §2513**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to
3 read:

4 **§2513. Notice required**

5 Every plaintiff seeking damages under this Act must give written notice to all
6 defendants within 180 days of the date of the server's conduct creating liability under this
7 Act. The notice must specify the time, place and circumstances of the server's conduct
8 creating liability under this Act and the time, place and circumstances of any resulting
9 damages. No error or omission in the notice voids the effect of the notice, if otherwise
10 valid, unless the error or omission is substantially material. Failure to give written notice
11 within the time specified is grounds for dismissal of a claim, unless the plaintiff provides
12 written notice within the limits of section 2514 and shows good cause why notice could
13 not have reasonably been filed within the 180-day limit. For purposes of this section,
14 "good cause" includes the inability of the plaintiff to obtain investigative records from a
15 law enforcement officer or law enforcement agency.

16 **SUMMARY**

17 This bill amends the Maine Liquor Liability Act to provide that the inability of a
18 plaintiff to obtain investigative records from a law enforcement officer or law
19 enforcement agency constitutes good cause as to why the plaintiff could not reasonably
20 file notice to all defendants within the 180-day limit.