

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

may designate any Justice of the Supreme Judicial Court to hold one or more sessions of the Superior Court, separate from the session presided over by the justice holding the regular trial term.

Sec. 2. 4 MRSA §157, sub-§1, ¶A, as repealed and replaced by PL 1983, c. 863, Pt. B, §§7 and 45, is amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary and to confirmation by the Legislature, shall appoint to the District Court 7 8 judges at large and 15 judges. At least one judge shall be appointed in each district who shall be a resident of the district, except that in District 3 there shall be 2 judges appointed who shall be residents of the district and in District 9 there shall be 2 judges appointed who shall be residents of the district. Each District Court Judge shall have a term of office of 7 years.

To be eligible for appointment as a District Judge, a person shall be a member of the bar of the State. The term "District Judge" shall include the Chief Judge, Deputy Chief Judge, the judges appointed from the districts and the judges at large.

Effective September 19, 1985.

CHAPTER 435

S.P. 598 - L.D. 1568

AN ACT Concerning Liability for Injuries Caused by Drunken Persons.

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

Sec. 1. 17 MRSA §2002 is amended to read:

§2002. Responsibility for injuries by drunken persons

Every wife, child, parent, guardian, husband or other person, who is injured in person, property, means of support or otherwise by any intoxicated per-

son or by reason of the intoxication of any person, shall have a right of action in his own name against anyone who, by selling or giving any intoxicating liquors or otherwise, in violation of law, has caused or contributed to the intoxication of such person. In such action the plaintiff may recover both actual and exemplary damages. The owner, lessee or person renting or leasing any building or premises, having knowledge that intoxicating liquors are sold therein contrary to law, is liable, severally or jointly, with the person selling or giving intoxicating liquors. In actions by a wife, husband, parent or child, general reputation of such relationship is prima facie evidence thereof, and the amount recovered by a wife or child shall be her or his sole and separate property. The law of comparative negligence shall apply to any action under this section, except that each defendant shall be severally liable and not jointly liable, for that percentage of the plaintiff's damages which corresponds to that defendant's percentage of fault as determined by the court or a jury. To recover damages under this section, the injured person shall give written notice to the seller or giver within 2 years of the occurrence of the injury. Notice shall specify: The injured person's intention to bring an action under this section; the time, the date and the person to whom that sale or gift was made; the name and address of the person injured or whose property was damaged; and the time, date and place where the injury to person or property occurred.

Sec. 2. 28 MRSA §204, first ¶, as repealed and replaced by PL 1983, c. 824, Pt. W, is repealed and the following enacted in its place:

All persons except public service corporations operating interstate, licensed to sell spirituous or vinous liquor, except table wine, shall purchase all such liquor from the commission.

Sec. 3. Effective date. Section 2 of this Act shall take effect on October 1, 1985.

Sec. 4. Sunset provision. This Act is repealed on September 30, 1987.

Effective September 19, 1985 unless otherwise indicated.
