

Impaired Driving Accidents: How Negligence Is Proven After a DUI Crash in Maine

Our drunk driving accident lawyers explain the legal process

[Drunk driving](#) in Maine remain one of the leading causes of serious [car accidents](#). Despite repeated warnings about the dangers of drunk driving, drivers under the influence of alcohol account for nearly one out of three car accident deaths each year in Maine, according to the [National Highway Traffic Safety Administration \(NHTSA\)](#).

When drunk driving accidents happen in Maine, you might think you don't have to do anything to get the money you deserve for all your accident-related expenses. After all, the other driver was drunk and clearly caused your crash. They might have even been charged with Operating Under the Influence (OUI).

But that's not how these accidents usually work. Instead, you often need to prove that negligence occurred in order to receive the compensation you need for medical bills, vehicle repairs and more. So how do you prove that? How does the actual legal process work? The Maine drunk driving accident attorneys at [Romanow Law Group](#) can help.

What does negligence mean in a drunk driving accident?

Negligence is a term used to describe someone's failure to take proper care. In a legal case, four standards must be met in order for negligence to apply and for the case to be successful:

- **Duty of care** – Someone had a responsibility to operate with reasonable care in order to prevent causing any harm.
- **Breach of duty** – The at-fault party failed to uphold their duty of care.
- **Causation** – The at-fault party's actions directly caused someone else's injury.
- **Damages** – The injury victim suffered a financial loss as a result of their injury. As a result, the injury victim should receive damages (compensation) for their loss.

Most drunk driving accidents clearly meet all four legal standards of negligence. That's because the driver had a responsibility to safely drive a car but failed to do so because they were drunk.

What types of evidence can prove negligence in a drunk driving crash?

Evidence of negligence can cover a wide range in a drunk driving accident case, including:

- **Police officer observations** – Slurred speech, odor of alcohol, glassy eyes, fumbling for documents, and poor balance during the stop or at the scene.

- **Field sobriety tests** – Standardized tests such as the horizontal gaze nystagmus, walk-and-turn, and one-leg stand. Videos matter. Jurors can watch what the officer saw.
- **Breath, blood or urine tests** – Chemical tests show a blood-alcohol concentration or the presence of drugs. Chain of custody, calibration logs, and draw times support reliability.
- **Eyewitness statements** – People clearly observed that the driver was drunk, before or during the accident.
- **Timeline** – Receipts from bars or events showing exactly when the driver consumed alcohol.
- **Crash debris** – Skid mark patterns, vehicle damage and location of damage on vehicles.
- **Vehicle data** – Black-box (EDR) speed and braking.
- **Video footage** – Dashcams, traffic cameras and nearby security camera footage.
- **Medical records** – Notes from EMS and the emergency department about the driver's condition can prove the driver was intoxicated.

How is blood alcohol evidence used to establish negligence?

Blood alcohol evidence is one of the strongest forms of proof in a drunk driving injury case. In Maine, a blood alcohol concentration (BAC) of 0.08 percent or higher is considered legally impaired under Maine OUI law (29-A M.R.S. § 2411). When the at-fault driver's BAC exceeds this threshold, it creates powerful evidence of negligence because the driver violated a safety standard designed to protect others on the road.

Courts and insurance companies rely on chemical test results because they provide objective, scientific proof of intoxication at or near the time of the crash. Certified laboratories must follow strict procedures for collecting and analyzing samples, including calibration records, chain of custody, and documented draw times. These safeguards make the test results admissible and reliable in both criminal and civil cases.

A Maine drunk driving accident lawyer can also use expert witnesses, such as toxicologists or accident reconstruction specialists, to explain how a high BAC affects vision, coordination and reaction time. This testimony connects the numbers on the report to the behavior that caused the crash such as crossing the centerline, failing to brake, or running a red light.

Medical proof that ties injuries to the crash

To recover full compensation for all your financial losses, you must show how the crash caused your injuries. Medical evidence can include:

- Emergency and hospital records that document initial symptoms and imaging

- Treating physician's opinions that explain how trauma produced your diagnosis
- Future care plans from specialists who outline surgeries, therapy, or lifetime needs
- Functional capacity evaluations that connect injuries to work limits
- Life-care planners and economists for serious cases that require long-term support

A clear medical narrative makes your case easier for insurers to evaluate and for jurors to understand.

How to link driver impairment to the crash mechanics

This link is made with careful analysis of:

- Approach speed compared to posted limits and sight lines
- Perception-reaction time based on alcohol and drug research
- Steering and braking inputs recorded by the EDR
- Skid and yaw marks that reveal late braking and loss of control
- Intersection timing compared to signal phases and red-light data
- Point of impact relative to lanes, shoulders, and medians

When experts show how your car accident unfolded step by step, the story becomes clear. The impaired choice caused the dangerous motion that produced the injuries.

What if the drunk driver refused testing?

When a driver refuses a breath, blood or urine test after being arrested for OUI in Maine, it does not mean the case ends. [Maine's implied consent law \(29-A M.R.S. § 2521\)](#) requires licensed drivers to submit to testing when lawfully requested by an officer. A refusal can lead to automatic license suspension and can be used as evidence of guilt in both criminal and civil cases. In a civil lawsuit, that refusal often suggests the driver knew they were intoxicated and wanted to avoid confirming it.

Even without a chemical test, there are other ways to prove impairment. Police reports, dashcam footage, witness statements and body-cam videos can show slurred speech, poor balance or confusion. Police officers may also document failed field sobriety tests or the smell of alcohol. Accident reconstruction can reveal excessive speed, delayed braking, or erratic lane changes that fit an impairment pattern. Together, these details allow your lawyer to demonstrate negligence without relying solely on test results.

A skilled Maine drunk driving accident attorney can turn a driver's refusal of a test into a key piece of evidence. By comparing the driver's behavior and accident scene data against known impairment indicators, your lawyer can build a strong case that the driver

was unfit to operate a vehicle safely. Refusing a test may avoid a BAC reading, but it cannot hide the physical and behavioral signs of intoxication that caused the crash.

The types of legal cases after a drunk driving accident

After a drunk driving accident in Maine, there are often two legal cases related to the collision – a criminal case and a civil case.

- Criminal OUI cases stem from charges filed by police against the drunk driver for driving under the influence of alcohol. This case is normally brought by the State of Maine against the impaired driver.
- Civil cases are a separate legal matter filed by injury victims against the drunk driver seeking damages, the legal term for compensation for all financial losses.

These two legal cases are separate. You do not have to wait for the criminal case to finish before you pursue your civil claim. A conviction in the criminal case can be powerful evidence in your favor. However, an acquittal does not end your civil claim because the proof standards are different.

How does a criminal OUI case impact a drunk driving lawsuit?

If the impaired driver pleads guilty or is convicted of OUI, that outcome is valuable evidence. It confirms the illegal behavior and often includes admissions about drinking and driving. Police testimony and lab reports that support the conviction also support your civil claim.

If the driver avoids conviction through a plea to a lesser offense, your claim can still succeed. Civil jurors hear the evidence fresh and apply the lower standard of proof. Your lawyer presents the full crash record, not just the limited facts used in a plea bargain.

That's why the civil case remains essential, no matter the outcome of the criminal case. A drunk driving conviction can strengthen your position by confirming fault, but it's your civil lawsuit that determines how much you recover for your financial losses. The two processes serve different purposes. The criminal case holds the driver accountable under Maine law, while a civil case focuses on your financial well-being.

Do I need to file a drunk driving lawsuit to be compensated for my car accident?

Not every drunk driving accident claim requires a lawsuit. Many cases start with an insurance claim against the at-fault driver's policy, and if liability is clear, some settle through negotiation. However, when insurance companies dispute fault, delay payment, or undervalue compensation, filing a civil lawsuit may be the only way to recover the full amount you deserve.

Your lawsuit gives you the right to obtain evidence through subpoenas, depositions, and discovery – tools not available during routine claim handling. Filing a lawsuit also puts

pressure on the insurance company to treat your case seriously. It signals that you are prepared to go to court if necessary and that you are represented by an attorney ready to present the evidence to a judge or jury.

If your injuries are severe, or if the drunk driver had limited insurance coverage, a lawsuit can also open the door to other sources of compensation, such as your own underinsured motorist coverage or claims against establishments that overserved the driver in violation of [Maine's dram shop law \(28-A M.R.S. § 2507\)](#). Filing a lawsuit is not about being litigious. It's about protecting your right to demand the compensation you deserve.

Can I be compensated if the drunk driver is not convicted of OUI?

Yes. A criminal conviction is not required to win a civil case against a drunk driver. The criminal case focuses on whether the state can prove the driver's guilt beyond a reasonable doubt – a very high standard. In contrast, your civil case only needs to show by a "preponderance of the evidence" that the driver's intoxication caused your injuries. That means your lawyer must demonstrate that it is more likely than not that the driver was negligent and that their negligence led to your harm.

Even if prosecutors decide not to charge the driver or the driver is acquitted, the same evidence – police reports, witness accounts, crash reconstruction, and medical findings – can still prove fault in a civil case. Civil juries are free to consider the driver's behavior, including erratic driving, refusal to take a sobriety test, and any admissions about drinking. The absence of a conviction does not erase the evidence of dangerous conduct.

A skilled attorney can also supplement the record with expert testimony and additional proof that may not have been used in the criminal case. This can include toxicology reviews, forensic analysis and independent investigations. In Maine, victims have the right to pursue justice in civil court regardless of what happens in criminal proceedings.

Comparative negligence and why it still matters

Maine uses a form of comparative negligence. The at-fault driver's lawyer may argue that you shared some portion of fault for the crash. They may say you were speeding slightly, or that you looked away at the wrong moment. Your lawyer can deal with this in two ways:

- Disproving shared fault with objective evidence like EDR data, signal timing and video.
- Persuading on percentages by showing that any small error on your part did not cause the crash while the other driver's impairment did.

Comparative fault arguments are common because they can reduce the payout. A well-prepared case keeps the focus where it belongs, on the choice to drive impaired and the harm that choice caused.

Compensation available in a Maine DUI injury case

Victims in OUI crashes can pursue the full range of civil damages, the legal term for compensation for financial losses. Each case is different, but most seek compensation for:

- **Medical expenses** – Emergency care, hospitalization, surgery, physical therapy, medications, medical equipment, and future treatment.
- **Lost income** – Past wages you could not earn while recovering and the loss of future earning capacity if injuries limit your career.
- **Replacement services** – Help with transportation, childcare, or household tasks you cannot perform during recovery.
- **Property damage** – Vehicle repair or replacement and damaged personal items.
- **Pain and suffering** – Physical pain, emotional distress, and loss of enjoyment of daily life.
- **Loss of consortium** – Harm to the marital relationship in serious injury cases.

Documenting damages is as important as proving fault. Keep every bill and receipt. Track missed work. Write down symptoms and daily limits in a simple journal. The better the record, the stronger the claim.

Why should I hire a Maine drunk driving accident lawyer?

A serious Maine drunk driving crash can overwhelm anyone. Your attorney can take the weight off your shoulders and give you control over the legal process. Some of the ways an experienced lawyer can help you include:

- Investigate quickly and send preservation letters to the police, bars, and businesses with video
- Secure and review body camera footage, dashcam video, 911 audio, and chemical test records
- Hire experts in accident reconstruction, toxicology, and human factors
- Explore different insurance options to pay for your accident
- Deal directly with insurance companies on your behalf
- Negotiate the best-possible settlement offer on your behalf
- File a drunk driving accident lawsuit on your behalf if necessary

You should be focused on healing while your legal team works on holding the impaired driver accountable. An experienced Maine drunk driving accident lawyer at [Romanow](#)

[Law Group](#) can help you every step of the way. We know how the legal system works, especially when it comes to collisions caused by impaired drivers.

You have rights. Learn more about your legal options. [Contact us](#) and schedule an appointment with a car accident attorney you can count on in a crisis. We don't back down from a fight. We rise to the challenge.