

Who Is Liable When a Drunk Driver Causes a Car Accident in Maine?

Our Maine Car Accident Lawyer Identifies Every Liable Party

Unfortunately, [drunk driving accidents](#) happen far too often in Maine. According to the [National Highway Traffic Safety Administration \(NHTSA\)](#), roughly one out of three traffic deaths in Maine involves a driver under the influence of alcohol – or operating under the influence (OUI) as it's officially called in Maine. Those numbers are about the same as the number of drunk driving fatalities each year nationwide.

Liability (the legal term for who's responsible for paying for these accidents) in these cases might seem straightforward. The at-fault driver was clearly drunk and caused your crash. But that's not how these accidents always work. Many times, they're much more complicated than many people might first suspect.

Our Maine car accident lawyers at [Romanow Law Group](#) have represented Maine families whose lives were upended by a drunk driving accident. As a result, we know the twists and turns that often go hand-in-hand with these complex legal cases. We know how to build a case against the impaired driver, and, when the facts support it, against a bar, restaurant or another at-fault party that contributed to causing your drunk driving accident. Here's how liability works after a Maine drunk driving crash and who might be held responsible for what you have lost.

Why Does Driving Drunk Automatically Point to Negligence in Maine?

Every driver in Maine has a duty of care (the legal responsibility to act reasonably to avoid hurting others) to stay sober behind the wheel. [Maine's OUI law \(29-A M.R.S. § 2411\)](#) makes it a crime to operate a vehicle with a blood alcohol concentration of 0.08 percent or higher, or while impaired by alcohol or drugs at any level.

Some states treat a safety statute violation like this as negligence per se (a doctrine that treats breaking a safety law as automatic proof of fault). Maine takes a slightly different approach. Under Maine's common law, violating a safety statute such as Maine's OUI law is treated as strong evidence of negligence for the jury to weigh, rather than conclusive proof on its own.

In practice, this distinction rarely changes the outcome. A driver who was legally impaired at the time of the crash faces an uphill battle convincing a jury that they were not negligent. The BAC reading, combined with how the crash happened, usually leaves little room for a different explanation.

How Much Does a Criminal OUI Conviction Help Your Civil Case?

A drunk driving crash in Maine often leads to two separate legal proceedings. The State of Maine may pursue criminal OUI charges against the driver, while you, as the injured victim, can pursue a separate civil claim for damages (the compensation owed for your losses). These cases run on their own timelines and do not depend on each other.

If the driver is convicted of OUI, that conviction becomes powerful evidence in your civil case. It confirms the driver broke the law and often includes admissions made during the criminal process that support your version of events. Your lawyer can introduce that conviction to strengthen the argument that the driver was negligent.

A conviction is not required to win your civil claim, however. Criminal cases require proof beyond a reasonable doubt, a far higher bar than the preponderance of the evidence standard (more likely than not) used in civil court. Even if charges are reduced or dropped, your lawyer can still build a strong case using police reports, witness statements and the physical evidence from the crash.

Can You Hold a Bar or Restaurant Responsible for Serving the Driver?

Yes. Maine's [dram shop law \(28-A M.R.S. § 2507\)](#) allows injured victims to pursue a bar, restaurant or other liquor establishment that served the at-fault driver. This is not automatic liability. The law requires the server to have acted recklessly, not merely carelessly, in continuing to serve someone who should not have been served.

Reckless service under Maine law means the server knew, or should have known, that the person being served was visibly intoxicated or under the legal drinking age, and served them anyway despite an obvious risk of harm. Evidence such as receipts, staff statements, surveillance footage and the amount of alcohol served can help establish this.

A successful dram shop claim can open up an additional source of compensation beyond the driver's own insurance policy, which matters most when that policy is not enough to cover your losses. Investigating this angle quickly is important, since surveillance footage and staff records at bars and restaurants are often kept for only a short time.

Who Else Could Share Liability for Your Crash?

The drunk driver is almost always the main target of a claim, but Maine law allows other parties to be held responsible depending on how the crash happened. Identifying every liable party (someone who can legally be required to pay) often makes the difference in recovering your full losses.

- **The vehicle owner** – If the drunk driver was operating a car that belonged to someone else who knowingly allowed it, the owner may share responsibility for the crash.
- **The driver's employer** – When someone drinks during a work event or drives a company vehicle while impaired, the employer may be liable under certain circumstances.
- **A negligent host** – In limited situations, a private host who knowingly lets a visibly intoxicated guest drive away may face liability separate from the dram shop law that applies to licensed servers.

Insurance companies rarely volunteer information about additional liable parties on their own, and the specific facts of your crash determine which of these paths applies. A thorough investigation into who owned the vehicle, where the driver had been and who else may have played a role often uncovers sources of compensation you would not have found otherwise.

What if the Drunk Driver Has No Insurance or Not Enough Coverage?

Not every drunk driver carries enough insurance to cover the harm they cause, and some carry none at all. Maine law requires insurance policies to include [uninsured and underinsured motorist coverage \(24-A M.R.S. § 2902\)](#), which protects you when the at-fault driver cannot pay for your losses.

This coverage steps in to pay for your damages up to your policy's limits when the drunk driver's insurance is insufficient or nonexistent. Many drivers do not realize they have this protection until after a serious crash, which is why reviewing your own policy early in the process matters.

Filing a claim against your own insurer for uninsured or underinsured motorist benefits works differently than filing against another driver's policy, and insurers do not always make this process easy. Having a lawyer handle this part of your claim helps make sure you receive everything your policy actually provides.

What Compensation Can You Recover After a Maine Drunk Driving Crash?

A victim of a drunk driving crash in Maine can pursue a range of damages (the legal term for financial compensation) depending on how the crash affected their life. Understanding the full scope of what you can recover helps make sure nothing gets left out of your claim.

- **Medical expenses** – Current and future costs of hospital care, surgery, medication and rehabilitation connected to your injuries.
- **Lost income** – Wages you could not earn while recovering from your drunk driving accident injuries, along with any reduction in your future earning capacity.
- **Property damage** – The cost to repair or replace your vehicle and any personal property damaged in the crash.
- **Pain and suffering** – Compensation for the physical pain and emotional toll the crash has taken on your daily life.
- **Punitive damages** – In cases involving especially reckless conduct, additional damages meant to punish the at-fault party rather than simply compensate you.

The value of your claim often depends on many different factors, including the severity of your injuries and how thoroughly your losses are documented, not on a fixed formula. Keeping

detailed records of every bill, missed shift and daily limitation from the start gives your lawyer the strongest possible foundation for demanding full compensation.

How Does Maine's Comparative Negligence Rule Affect a Drunk Driving Claim?

Maine follows a modified comparative negligence rule ([14 M.R.S. § 156](#)), which allows the at-fault driver's insurance company to argue that you shared some responsibility for the crash. If you are found equally at fault or more, you cannot recover anything from that driver.

Suppose your damages (financial losses) total \$100,000 and a jury finds you 10 percent at fault for the crash, perhaps for a minor lane position issue unrelated to the drunk driver's impairment. Your recovery would be reduced to \$90,000 rather than eliminated, since your share of fault stayed well below the bar.

Insurance companies raise comparative fault arguments often, even in cases where the other driver was clearly impaired, because shifting even a small percentage of blame onto you reduces what they have to pay. A lawyer who understands how to counter these arguments with solid evidence protects the value of your claim.

How Can a Maine Car Accident Lawyer Help After a Drunk Driving Crash?

A drunk driving crash leaves you dealing with injuries, a damaged vehicle and an insurance company already looking for ways to limit what they pay. Our Maine drunk driving accident lawyers at [Romanow Law Group](#) step in right away to secure police reports, chemical test results and any available surveillance footage before that evidence disappears.

We work on a contingency fee basis, so you pay nothing upfront and nothing at all unless we recover compensation for you. From the moment you call, we investigate every possible source of compensation, from the driver's own insurance to any bar, employer or other party who may share responsibility for what happened.

Maine generally gives you six years from the date of your crash to file a lawsuit under the state's [personal injury statute of limitations](#), longer than most states allow, though waiting that long rarely serves your case well. If you were hurt by a drunk driver in Maine, don't wait to find out what happens next. [Contact us](#) for a free consultation. We do whatever it takes to win.