MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1812

H.P. 1345

House of Representatives, January 31, 1994

An Act Amending the Discovery Rule for Damage Resulting from the Placement of Foreign Objects in the Human Body.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on Judiciary suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative FARNSWORTH of Hallowell.
Cosponsored by Representatives: ADAMS of Portland, BOWERS of Washington, COTE of Auburn, DRISCOLL of Calais, GWADOSKY of Fairfield, HOGLUND of Portland, HOLT of Bath, KETTERER of Madison, MARTIN of Eagle Lake, PARADIS of Augusta, RAND of Portland, SKOGLUND of St. George, TOWNSEND of Portland, WENTWORTH of Kennebunkport, Senators: BUSTIN of Kennebec, CONLEY of Cumberland.

Be it enacted by the People of the State of Maine as t	follows:
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Sec. 1. 24 MRSA §2902, first ¶, as repealed and replaced by PL 1985, c. 804, §\$13 and 22, is amended to read:

Actions for professional negligence shall be commenced within 3 years after the cause of action accrues. For the purposes of this section, a cause of action accrues on the date of the act or omission giving rise to the injury. Notwithstanding the provisions of Title 14, section 853, relating to minority, actions for professional negligence by a minor shall be commenced within 6 years after the cause of action accrues or within 3 years after the minor reaches the age of majority, whichever first occurs. This section does not apply where the cause of action is based upon the leaving of a foreign object in the body, in which case the cause of action shall accrue when the plaintiff discovers or reasonably should have discovered the harm. For the analysis purposes of this section, the term "foreign object" dees -- net includes a chemical compound. prosthetic aid or object intentionally implanted or permitted to remain in the patient's body as a part of the health care or professional services.

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STATEMENT OF FACT

This bill amends the discovery rule for professional negligence actions for a foreign object left in a body by including a chemical compound, prosthetic aid or an object intentionally implanted or permitted to remain in the patient's body.

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This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.