

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 869

S.P. 261

In Senate, February 6, 1997

**An Act to Amend the Statute of Limitations for Health Care Providers  
and Health Care Practitioners to Include a Discovery Rule.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator RAND of Cumberland.  
Cosponsored by Representative: BOLDUC of Auburn.

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

4 **Sec. 1. 24 MRSA §2902**, as repealed and replaced by PL 1985,  
6 c. 804, §§13 and 22, is repealed and the following enacted in its  
8 place:

10 **§2902. Statute of limitations for health care providers and**  
12 **health care practitioners**

14 An action for professional negligence must be commenced  
16 within 3 years after the cause of action accrues. For the  
18 purposes of this section, a cause of action accrues when the  
20 plaintiff discovers, or in the exercise of reasonable diligence  
22 should have discovered, the injury and its causal relationship to  
24 the act of professional negligence of which the plaintiff  
complains. Notwithstanding the provisions of Title 14, section  
853 relating to minority, actions by a minor for professional  
negligence must 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.

26 **SUMMARY**

28 This bill enacts a discovery rule with respect to the  
30 statute of limitations relating to health care providers and  
32 health care practitioners. The bill requires an action for  
professional negligence to be commenced within 3 years after a  
plaintiff discovers, or in the exercise of reasonable diligence  
should have discovered, the injury and its causal relationship to  
the act of professional negligence of which the plaintiff  
complains.