

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 492

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S.P. 157

In Senate, January 31, 2019

**An Act To Extend from 6 Months to One Year the Notice Period  
Required under the Maine Tort Claims Act**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.

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

2 **Sec. 1. 14 MRSA §8107, sub-§1**, as amended by PL 1989, c. 327, is further  
3 amended to read:

4 **1. Notice requirements for filing.** Within ~~180~~ 365 days after any claim or cause of  
5 action permitted by this chapter accrues, or at a later time within the limits of section  
6 8110, when a claimant shows good cause why notice could not have reasonably been  
7 filed within the ~~180-day~~ 365-day limit, a claimant or a claimant's personal representative  
8 or attorney shall file a written notice containing:

9 A. The name and address of the claimant, and the name and address of the  
10 claimant's attorney or other representative, if any;

11 B. A concise statement of the basis of the claim, including the date, time, place and  
12 circumstances of the act, omission or occurrence complained of;

13 C. The name and address of any governmental employee involved, if known;

14 D. A concise statement of the nature and extent of the injury claimed to have been  
15 suffered; and

16 E. A statement of the amount of monetary damages claimed.

17 **Sec. 2. 14 MRSA §8107, sub-§2**, as amended by PL 2001, c. 249, §1, is further  
18 amended to read:

19 **2. Incapacity.** If the claimant is incapacitated and thereby prevented from presenting  
20 and filing the claim within the time prescribed or if the claimant is a minor, the claim may  
21 be presented and filed on behalf of the claimant by any relative, attorney or agent  
22 representing the claimant. If the claimant is a minor when the cause of action accrues, the  
23 notice may be presented within ~~180~~ 365 days of the minor's attaining 18 years of age.

24 **SUMMARY**

25 This bill extends from 180 days to one year the notice period required under the  
26 Maine Tort Claims Act.