

MAINE STATE LEGISLATURE

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(Filing No. H-771)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to S.P. 205, L.D. 727, Bill, "AN ACT to Implement the REcommendations of the Pomeroy Commission on Medical and Hospital Malpractice Insurance."

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 14 MRSA §753 is amended to read:

§753. Two years

Actions for assault and battery, and for false imprisonment, slander, and libel ~~and malpractice of physicians and all others engaged in the healing art~~ shall be commenced within 2 years after the cause of action accrues.

Actions for malpractice of physicians and all others engaged in the healing art shall be commenced within 2 years from the date that the act of malpractice was or, with the use of reasonable diligence, could have been discovered.'

Further amend the bill by inserting at the beginning of the first line after the enacting clause the following:

'Sec. 2.'

Further amend the bill by striking out all of that part designated "§2902." and inserting in its place the following:

'§2902. Statute of limitations for nurses, hospitals and employees

An action for damages for injury or death against any nurse licensed under Title 32, chapter 31, any hospital or its employee, whether based upon tort or breach of contract or otherwise, arising out of patient care, shall be commenced within 2 years from the date that the act of malpractice was or, with the use of reasonable diligence, could have been discovered.'

Statement of Fact

The current statute of limitations for physicians and others engaged in the healing art and the similar one proposed in the bill and the committee amendment for hospitals and their employees and for nurses, when not acting as hospital employees, require the action to be brought within 2 years from the date that the act of malpractice occurred. This amendment would change that period to 2 years from the date that the act of malpractice was discovered or should ordinarily have been discovered.

Filed by Mr. Henderson of Bangor.

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