

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 58

7 S.P. 41

In Senate, January 15, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Trafton of Androscoggin.

Cosponsored by Representative Drinkwater of Belfast and Representative Carrier of Westbrook.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Amend the Maine Tort Claims Act.
18

19 Be it enacted by the People of the State of Maine as
20 follows:

21 Sec. 1. 14 MRSA §8107, sub-§§1 and 2, as enacted
22 by PL 1977, c. 2, §2, are amended to read:

23 1. Notice requirements for filing. Within Except
24 as provided by subsection 5, within 180 days after a
25 cause of action against a governmental entity ac-
26 cruces, or at a later time within the limits of sec-
27 tion 8110, when a claimant shows good cause why no-
28 notice could not have reasonably been filed within the
29 180-day limit, a claimant or his personal representa-
30 tive shall file a written notice containing:

31 A. The name and address of the claimant, and the
32 name and address of his attorney or other repre-
33 sentative, if any;

1 B. A concise statement of the basis of the
2 claim, including the date, time, place and cir-
3 cumstances of the act, omission or occurrence
4 complained of;

5 C. The name and address of any governmental em-
6 ployee involved, if known;

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

9 E. A statement of the amount of monetary damages
10 claimed.

11 2. Incapacity. If the claimant is incapacitated
12 and thereby prevented from presenting and filing the
13 claim within the time prescribed or if the claimant
14 is a minor, the claim may be presented and filed on
15 behalf of the claimant by any relative, attorney or
16 agent representing the claimant. A claim filed on be-
17 half of a minor will be deemed to be timely and ef-
18 fective if filed at any time up to 180 days following
19 the date the claimant attains majority.

20 Sec. 2. 14 MRSA §8107, sub-§5 is enacted to
21 read:

22 5. Minor claimants. If the claimant is a minor
23 at the time the cause of action accrues, the notice
24 may be given within 180 days of the date the claimant
25 attains majority, or at a later time within the lim-
26 its of section 8110, when a claimant shows good cause
27 why notice could not have reasonably been filed with-
28 in the 180-day limit.

29 Sec. 3. 14 MRSA §8110, as enacted by PL 1977, c.
30 2, §2, is amended to read:

31 §8110. Limitation of actions

32 Every claim against a governmental entity or its
33 employees permitted under this chapter shall be for-
34 ever barred from the courts of this State, unless an
35 action therein is begun within 2 years after the
36 cause of action accrues, except that if the claimant
37 is a minor at the time the cause of action accrues,
38 the action may be brought within 2 years of the date

1 the claimant attains majority.

2 STATEMENT OF FACT

3 This Bill amends the Maine Tort Claims Act by
4 providing that the 180-day notice requirement and the
5 2-year law of limitations would not begin to run in
6 the case of an injured minor until the child reaches
7 age 18. Under current law, a child loses any claim
8 he or she may have against the State or a municipality
9 unless the strict requirements of the Maine Tort
10 Claims Act are met.

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