

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 543

6
7 H.P. 394 House of Representatives, February 13, 1985

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

9 EDWIN H. PERT, Clerk

10 Presented by Representative Bonney of Falmouth.

11
12 STATE OF MAINE
13

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

17 AN ACT Concerning the Posting of Bonds by
18 Plaintiffs in Medical Malpractice
19 Suits.
20

21 Be it enacted by the People of the State of Maine as
22 follows:

23 14 MRSA §872 is enacted to read:

24 §872. Certain medical malpractice actions; bonds

25 Except as otherwise provided in this section, no
26 person may file any action for medical malpractice
27 unless that person posts a bond in the amount of
28 \$2,000 secured by cash or its equivalent with the
29 clerk of the court in which the action is pending,
30 payable to the defendant for costs assessed, includ-
31 ing fees for witnesses, experts and attorneys, if the
32 plaintiff does not prevail in the final judgment.

33 The court may in any medical malpractice action
34 suspend the requirement for posting bond under this

1 section when it appears to the court that the plain-
2 tiff does not have sufficient means to post the bond.

3 STATEMENT OF FACT

4 The purpose of this bill is to require that any
5 plaintiff in a medical malpractice action post a bond
6 in the amount of \$2,000 to cover legal costs of the
7 defendant if the plaintiff does not prevail. The
8 bill also provides that the bond requirement may be
9 suspended by a court upon a showing of inability to
10 post bond.

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