

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1505

H.P. 1083

House of Representatives, May 5, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CONLEY of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Amend the Maine Tort Claims Act.



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

3 14 MRSA §8107, sub-§1, as amended by PL 1987, c. 740, §6, is
5 further amended to read:

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

21 A. The name and address of the claimant, and the name and
23 address of his the claimant's attorney or other
25 representative, if any;

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

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

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

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

31 STATEMENT OF FACT

33 This bill gives an attorney for a claimant in an action
35 brought under the Maine Tort Claims Act the authority to sign the
37 notice required to be given to the governmental entity being
39 sued. Presently, only the claimant or the claimant's personal
41 representative may sign the required notice. Many claims are now
being dismissed by Superior Court Judges which have been
inadvertently signed by attorneys instead of the claimant, which
results in substantial injustice for a small technical error.