# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

Legislative Document

No. 2101

H.P. 1516

House of Representatives, January 5, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MARSANO of Belfast.

· 新闻的《《新典》(2),《新典》(1),

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Amend the Statute of Limitations with Respect to Medical Malpractice Prelitigation Screening Panels.

(AFTER DEADLINE)

子,并在身上的原理工作。这些效应



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

24 MRSA §2859, as enacted by PL 1985, c. 804, §§12 and 22, is amended to read:

#### §2859. Statute of limitations

The applicable statute of limitations concerning actions for professional negligence shall be tolled from the date upon which notice of claim is served until 30 days following the day upon which the claimant receives notice of the findings of the panel pursuant-to-section-2856-or-175-days-after-service-of-the-notice of-claim-pursuant-to-section-2903, whichever-first-occurs. After the-passage-of-175-days, the claimant-may bring-suit-if-the-panel has-not-rendered-a-decision, but after-the-claimant's-filing-of-a complaint-all-further-proceedings-in-the-case-shall-be-stayed until-a-decision-of-the-panel-is-made.

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### STATEMENT OF FACT

The current medical malpractice prelitigation screening system provides that the statute of limitations is tolled on the filing of a claim, but only for a maximum of 175 days. If prelitigation screening is lengthy, the plaintiff's right to proceed can be unwittingly lost. This bill extends the tolling period for the entire period used by the screening process until 30 days after notice of the panel's decision is received by the claimant.