

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1365

H.P. 943

House of Representatives, April 1, 1991

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 ANTHONY of South Portland.

Cosponsored by Senator GAUVREAU of Androscoggin, Representative OTT of York and Representative KETTERER of Madison.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Provide Good Cause Basis for Extending the Notice of Claim
Period.

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

2
4 Sec. 1. 24 MRSA §2853, sub-§1, as amended by PL 1989, c. 827,
§1, is further amended to read:

6 1. Notice of claim; filing fee. Any person serving a
8 notice of claim of professional negligence pursuant to section
10 2903 shall also serve file a copy with return of service on with
12 the clerk of the Superior Court in the county where a complaint
14 based on the claim would be filed or was filed within 10 days of
16 serving the notice of claim under section 2903, with ordinary
18 mail notice of service filing to the person or persons accused of
professional negligence in the notice. ~~The notice of claim and
all other documents filed with the clerk in the matter during the
prelitigation screening process shall be confidential.~~ At the
time of filing the notice, the claimant shall also pay to the
clerk a filing fee of \$200 per notice filed.

20 Sec. 2. 24 MRSA §2853, sub-§7, as amended by PL 1989, c. 827,
§2, is further amended to read:

22 7. Extensions of time. All requests for extension of time
24 under this subchapter must be made to the panel chair. The chair
26 may extend any time period under this subchapter for good cause,
28 except that the chair may not extend any time period that would
result in the hearing being held more than one year from the
service filing of notice of claim upon the clerk unless
extraordinary good cause is shown.

30 Sec. 3. 24 MRSA §2903, sub-§1, ¶A, as amended by PL 1989, c.
32 827, §5, is further amended to read:

34 A. Served Filed written notice of claim setting forth,
36 under oath, the professional negligence alleged and the
38 nature and circumstances of the injuries and damages
40 alleged, personally served a copy under the Maine Rules of
42 Civil Procedure, Rule 4 or by registered or certified mail
44 on the person accused of professional negligence. ~~Personal~~
46 service Service under the Maine Rules of Civil Procedure,
48 Rule 4 or service by registered or certified mail shall must
be completed on the person accused within 30 days of
filing. ~~In the event service cannot be obtained within 30
days, the plaintiff may file a motion in Superior Court for
an extension on a showing of good cause, including the
efforts that have been made for service. In addition to
granting the extension, the court may provide for alternate
service in accordance with the Maine Rules of Civil
Procedure, Rule 4;~~

STATEMENT OF FACT

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4 This bill amends current law regarding the filing of a
6 notice of claim and service of the filing on the person accused
8 of professional negligence. The bill requires that a copy of a
10 notice of claim be filed with, rather than served on, the clerk
12 of the Superior Court. It removes language requiring that the
14 notice of claim and other relevent documents be kept
confidential. It also permits certain extensions of time upon a
showing of good cause, rather than extraordinary cause. Finally,
the bill permits service under the Maine Rules of Civil
Procedure, Rule 4 of a copy of the notice of claim on the person
accused.