

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1456

S.P. 552

In Senate, April 11, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Oxford
Cosponsored by Senator CONLEY of Cumberland, Representative OTT of York and
Representative LAWRENCE of Kittery.

STATE OF MAINE

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

An Act Regarding Notice of Claim.



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

2
4 14 MRSA §8107, sub-§4, as amended by PL 1977, c. 591, §3, is further amended to read:

6 4. Substantial notice compliance required. No claim or
8 action shall may be commenced against a governmental entity or
10 employee in the Superior Court unless the foregoing notice
12 provisions are substantially complied with. A claim filed under
14 this section shall may not be held invalid or insufficient by
16 reason of an inaccuracy in stating the time, place, nature or
18 cause of the claim, or otherwise, unless it is shown that the
20 governmental entity was in fact prejudiced thereby. A claim
filed late under this section may not be held invalid or
insufficient because of its late filing unless the governmental
entity has shown that it was, in fact, prejudiced thereby. A
claim filed under this section shall may not be held invalid
solely because a claim based on the same facts was filed under a
different statutory procedure and was disallowed.

22 STATEMENT OF FACT

24 This bill amends the current law regarding notice of a tort
26 claim against a governmental entity to require the governmental
entity to establish that it has been prejudiced by the late
filing of a notice of claim by or on behalf of the claimant.