

MAINE STATE LEGISLATURE

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R.S.

L.D. 116

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DATE: 4/5/94

(Filing No. H-1041)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 86, L.D. 116, Bill, "An Act to Amend the Maine Health Security Act"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 24 MRSA §2853, sub-§7, as amended by PL 1991, c. 505, §4, is further amended to read:

7. Extensions of time. All requests for extension of time under this subchapter must be made to the panel chair. The chair may extend any time period under this subchapter for good cause, ~~except that the chair may not extend any time period that would result in the hearing being held more than one year from the filing of notice of claim upon the clerk unless good cause is shown.~~ For claims filed prior to January 1, 1994, if a panel hearing has not been held within 2 years from the date when the notice of claim was filed, then the claimant may file a lawsuit in court and terminate further panel proceedings. Upon motion of a defendant, the lawsuit may be stayed by the Superior Court for purposes of allowing the panel proceedings to conclude if it is shown that the failure to hold a panel hearing within 2 years from filing of the notice of claim was attributable to the claimant. For claims filed after January 1, 1994, if a panel hearing has not been held within one year from the date when the notice of claim was filed, then the claimant may file a lawsuit

HOUSE AMENDMENT

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2 in court and terminate further panel proceedings. Upon motion of
3 a defendant, the lawsuit may be stayed by the Superior Court for
4 purposes of allowing the panel proceedings to conclude if it is
5 shown that the failure to hold a panel hearing within one year
6 from filing of the notice of claim was attributable to the
7 claimant.'

8 Further amend the bill by inserting at the end before the
9 statement of fact the following:

10 **FISCAL NOTE**

11 This bill may increase the number of jury trials. The
12 Judicial Department may require additional General Fund
13 appropriations to cover the additional costs associated with
14 these trials. Additional filing fees may increase General Fund
15 revenue by minor amounts.
16

17 **STATEMENT OF FACT**

18 This amendment strikes the bill and replaces it with
19 language that gives a claimant authority to file a law suit in
20 Superior Court if a panel hearing has not been held within one
21 year from the date a notice of claim has been filed in a
22 professional negligence law suit if that claim was filed after
23 January 1, 1994. If the claim was filed prior to January 1,
24 1994, the claimant has 2 years to file a law suit.
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32 SPONSORED BY: Constantin Cote (dnc)
33 (Representative COTE)

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35 TOWN: Auburn
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