

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Handwritten scribble

L.D. 309

DATE: 4-26-01

(Filing No. H-196)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 260, L.D. 309, Bill, "An Act Regarding Statute of Limitations for Attorneys"

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

Sec. 1. 14 MRSA §753-A, as enacted by PL 1985, c. 804, §§2 and 22, is repealed.

Sec. 2. 14 MRSA §753-B is enacted to read:

§753-B. Actions against attorneys

1. Time when statute starts to run, generally. In actions alleging professional negligence, malpractice or breach of contract for legal service by a licensed attorney, the statute of limitations starts to run from the date of the act or omission giving rise to the injury, not from the discovery of the malpractice, negligence or breach of contract, except as provided in this section or as the statute of limitations may be suspended by other laws.

2. Rendering of title opinion. In an action alleging professional negligence in the rendering of a real estate title opinion, the statute of limitations starts to run on the date the negligence is discovered, but in no event may an action be commenced more than 20 years after the act or omission giving rise to the injury.

COMMITTEE AMENDMENT

2 3. Drafting of last will and testament. In an action
4 alleging professional negligence in the drafting of a last will
 and testament that has been offered for probate, the statute of
6 limitations starts to run on the date the negligence is
 discovered.

8 **Sec. 3. Application.** This Act applies to actions brought on
 or after the effective date of this Act, except that,
10 notwithstanding the Maine Revised Statutes, Title 14, section
 753-B, subsection 2, an action relating to a title opinion that
12 was rendered more than 20 years ago may be brought within the
 earlier of:

- 14 1. Two years from the effective date of this Act; and
- 16 2. Six years from discovery of the negligence.'
- 18

20 Further amend the bill by inserting at the end before the
 summary the following:

22 'FISCAL NOTE

24 This bill may increase the number of civil suits filed in
 the court system. The additional workload and administrative
26 costs associated with the minimal number of new cases filed can
 be absorbed within the budgeted resources of the Judicial
28 Department. The collection of additional filing fees may also
 increase General Fund revenue by minor amounts.'

32 SUMMARY

34 This amendment replaces the bill. It clarifies current law
 setting forth the time when the statute of limitations begins to
36 run for claims of professional malpractice, negligence or breach
 of contract against attorneys. Under current law and the
38 amendment, the statute of limitations for actions against
 attorneys begins to run when the negligence, breach of contract
40 or malpractice occurs, except that, in actions relating to wills
 and rendering of title opinions, the statute of limitations
42 begins to run when the negligence or malpractice is discovered.
 This amendment changes current law by setting an outside limit on
44 when a cause of action for negligence in rendering a title
 opinion may be brought. Such an action must be brought within 6
46 years of discovery, but not more than 20 years from the rendering
 of the title opinion.

48 The amendment provides that a cause of action relating to a
50 title opinion that was rendered more than 20 years before the

COMMITTEE AMENDMENT "A" to H.P. 260, L.D. 309

2 effective date of the law change, which would otherwise be barred
by the law change, may be brought within 2 years from the
4 effective date of the law change or within the statute of
limitations already applicable, whichever is earlier. It also
adds a fiscal note to the bill.

COMMITTEE AMENDMENT