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

120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document   **No. 966**

H.P. 747   House of Representatives, February 20, 2001

An Act to Amend the Maine Tort Claims Act.

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LaVERDIERE of Wilton.
Cosponsored by Representatives: LEMOINE of Old Orchard Beach, MITCHELL of
Vassalboro, SAVAGE of Buxton.

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

Sec. 1. 14 MRSA §8107, sub-§2, as enacted by PL 1977, c. 2, §2, is amended to read:

2. Incapacity. If the claimant is incapacitated and thereby prevented from presenting and filing the claim within the time prescribed or if the claimant is a minor, the claim may be presented and filed on behalf of the claimant by any relative, attorney or agent representing the claimant. If the claimant is a minor when the cause of action accrues, the notice may be presented within 180 days of the minor's attaining 18 years of age.

Sec. 2. 14 MRSA §8110, as enacted by PL 1977, c. 2, §§2 and 5 and amended by PL 1979, c. 68, §5, is further amended to read:

§8110. Limitation of actions

Every claim against a governmental entity or its employees permitted under this chapter shall-be is forever barred from the courts of this State, unless an action therein is begun within 2 years after the cause of action accrues, except that, if the claimant is a minor when the cause of action accrues, the action may be brought within 2 years of the minor's attaining 18 years of age.

SUMMARY

This bill amends the Maine Tort Claims Act to provide that if the claimant is a minor when the cause of action accrues, the notice to a governmental entity may be presented within 180 days of the minor's attaining 18 years of age and the action may be brought within 2 years of the minor's attaining 18 years of age.