

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 608

S.P. 200

February 8, 2007

An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.

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

2 **Sec. 1. 24 MRSA §2902**, as repealed and replaced by PL 1985, c. 804, §§13 and
3 22, is amended to read:

4 **§2902. Statute of limitations for health care providers and health care practitioners**

5 Actions for professional negligence shall must be commenced within 3 years after the
6 cause of action accrues plaintiff discovers or reasonably should have discovered the
7 injury. For the purposes of this section, a cause of action accrues on the date of the act or
8 omission giving rise to the injury. Notwithstanding the provisions of Title 14, section
9 853, relating to minority, actions for professional negligence by a minor shall must be
10 commenced within 6 years after the cause of action accrues injury is discovered or within
11 3 years after the minor reaches the age of majority, whichever first occurs. This section
12 does not apply where the cause of action is based upon the leaving of a foreign object in
13 the body, in which case the cause of action shall accrue when the plaintiff discovers or
14 reasonably should have discovered the harm. For the purposes of this section, the term
15 "foreign object" does not include a chemical compound, prosthetic aid or object
16 intentionally implanted or permitted to remain in the patient's body as a part of the health
17 care or professional services.

18 If the provision in this section reducing the time allowed for a minor to bring a claim
19 is found to be void or otherwise invalidated by a court of proper jurisdiction, then the
20 statute of limitations for professional negligence shall be is 2 years after the cause of
21 action accrues injury is discovered, except that no claim brought under the 3-year statute
22 may be extinguished by the operation of this paragraph.

23 SUMMARY

24 This bill changes the statute of limitations for medical malpractice from beginning
25 when the act or omission happens to beginning when the harm is discovered by the
26 plaintiff.