MAINE STATE LEGISLATURE

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2	Date: 6/6/2013	(Filing No. S-732
3	JUDICIARY	
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5	STATE OF MAINE	
6	SENATE	
7	126TH LEGISLATURE	
8	FIRST REGULAR SESSION	
9 10	COMMITTEE AMENDMENT " "to S.P. 282, L.D. 744, Bill, "An Act To Extenthe Statute of Limitations on Certain Civil Professional Negligence Suits"	
11 12 13	Amend the bill in section 1 in §853 in the paragraph in the 2nd and 3rd lines (page 1 lines 6 and 7 in L.D.) by striking out the following: "section sections 2902 and 2902-B and inserting the following: 'section 2902 and, until July 1, 2017, section 2902-B'	
14	Amend the bill by striking out all of section 3 and inserting the following:	
15	'Sec. 3. 24 MRSA §2902-B is enacted to read:	
16 17	§2902-B. Statute of limitations for mental health professionals for claims based on sexual acts	
18 19 20 21 22 23	1. Limitation. Except as provided in Title 14, section 752-C, actions for professional negligence based on a sexual act engaged in by a professional listed in subsection 3 with a person during the period of time that person was a patient or client of the professional must be commenced within 6 years after the cause of action accrues. For purposes of this section, a cause of action accrues on the date of the act or omission giving rise to the injury.	
24 25	2. Definitions. As used in this section, the following terms have the following meanings.	
26 27	A. "Patient or client" means a person who receives counseling or treatment from a professional listed in subsection 3.	
28	B. "Sexual act" means the following:	
29 30	(1) A sexual act, as defined in Title 17-A, section 251, sub C; or	section 1, paragraph
31 32	(2) Sexual contact, as defined in Title 17-A, section 251, sub <u>D.</u>	section 1, paragraph

L.D. 744

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 282, L.D. 744

3. Professionals. Subsection 1 applies with respect to the following types of		
professionals:		
A. A psychiatrist licensed in this State;		
B. A psychologist licensed in this State;		
C. A clinical social worker licensed in this State;		
D. A social worker certified in this State;		
E. A clinical professional counselor licensed in this State;		
F. A pastoral counselor licensed in this State;		
G. A marriage and family therapist licensed in this State; and		
H. A clinical professional counselor licensed in this State.		
4. Repeal. This section is repealed July 1, 2017.		
Amend the bill in section 4 in the 2nd line (page 2, line 6 in L.D.) by striking out the following: "health care providers and health care practitioners" and inserting the following: 'professionals specified in the Maine Revised Statutes, Title 24, section 2902-B, subsection 3'		
Amend the bill in section 4 in subsection 2 in the first and 2nd lines (page 2, lines 10 and 11 in L.D.) by striking out the following: "the Maine Revised Statutes,"		
SUMMARY		
The bill proposes to extend the statute of limitations for professional negligence actions against certain health care providers and health care practitioners to 10 years when the action is based on a sexual act or sexual contact. The amendment decreases the extension of the statute of limitations to 6 years and applies it to professional negligence actions against specifically psychiatrists, psychologists, social workers, professional counselors, pastoral counselors, marriage and family therapists and clinical professional counselors. In addition, the amendment provides that the sexual act or sexual contact must have occurred during the period of time the person was a patient or client of the professional. The amendment also repeals this extension of the statute of limitations July 1, 2017.		

FISCAL NOTE REQUIRED (See attached)

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126th MAINE LEGISLATURE

LD 744

LR 1933(02)

An Act To Extend the Statute of Limitations on Certain Civil Professional Negligence Suits

Fiscal Note for Bill as Amended by Committee Amendment (232)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil suits.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.