

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 585

S.P. 253

In Senate, February 14, 2023

An Act to Allow Equitable Tolling of Post-conviction Review Filings

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BEEBE-CENTER of Knox.
Cosponsored by Representative MOONEN of Portland and
Representatives: POIRIER of Skowhegan, SALISBURY of Westbrook.

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

2 **Sec. 1. 15 MRSA §2121, sub-§1-B** is enacted to read:

3 **1-B. Equitable tolling.** "Equitable tolling" means a principle of law that prevents a
4 period of limitations from barring a claim if the petitioner pursued the petitioner's rights
5 diligently and with reasonable care but failed to meet the period of limitations due to
6 extraordinary circumstances.

7 **Sec. 2. 15 MRSA §2128-B, sub-§4** is enacted to read:

8 **4. Equitable tolling.** A period of limitations does not bar a claim under this section
9 if the petitioner proves through good cause shown that equitable tolling should apply.

10 **SUMMARY**

11 This bill allows for equitable tolling to prevent a period of limitations from barring a
12 petition for post-conviction review. Equitable tolling is a principle of law that allows a
13 petition to be filed after a period of limitations if the petitioner proves that the petitioner
14 pursued the petitioner's rights diligently and with reasonable care but failed to meet the
15 period of limitations due to extraordinary circumstances.