

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

CHAPTER 329
S.P. 282 - L.D. 744

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

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

Sec. 1. 14 MRSA §853, as amended by PL 1985, c. 343, §2, is further amended to read:

§853. Persons under disability may bring action when disability removed

If a person entitled to bring any of the actions under sections 752 to 754, including section 752-C, and under sections 851, and 852 and Title 24, section 2902 and, until July 1, 2017, section 2902-B is a minor, mentally ill, imprisoned or without the limits of the United States when the cause of action accrues, the action may be brought within the times limited herein after the disability is removed.

Sec. 2. 24 MRSA §2902, as repealed and replaced by PL 1985, c. 804, §§13 and 22, is amended to read:

§2902. Statute of limitations for health care providers and health care practitioners excluding claims based on sexual acts

Actions Except as provided in section 2902-B, actions for professional negligence ~~shall~~ must be commenced within 3 years after the cause of action accrues. For the purposes of this section, a cause of action accrues on the date of the act or omission giving rise to the injury. Notwithstanding the provisions of Title 14, section 853, relating to minority, actions for professional negligence by a minor ~~shall~~ must be commenced within 6 years after the cause of action accrues or within 3 years after the minor reaches the age of majority, whichever first occurs. This section does not apply ~~where~~ when the cause of action is based upon the leaving of a foreign object in the body, in which case the cause of action ~~shall accrue~~ accrues when the plaintiff discovers or reasonably should have discovered the harm. For the purposes of this section, the term "foreign object" does not include a chemical compound, prosthetic aid or object intentionally implanted or permitted to remain in the patient's body as a part of the health care or professional services.

If the provision in this section reducing the time allowed for a minor to bring a claim is found to be void or otherwise invalidated by a court of proper jurisdiction, ~~then~~ the statute of limitations for professional negligence ~~shall be~~ is 2 years after the cause of action accrues, except that no claim brought under the

3-year statute may be extinguished by the operation of this paragraph.

Sec. 3. 24 MRSA §2902-B is enacted to read:

§2902-B. Statute of limitations for mental health professionals for claims based on sexual acts

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.

2. Definitions. As used in this section, the following terms have the following meanings.

A. "Patient or client" means a person who receives counseling or treatment from a professional listed in subsection 3.

B. "Sexual act" means the following:

(1) A sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C; or

(2) Sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D.

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.

Sec. 4. Application. This Act applies to the following actions for professional negligence against professionals specified in the Maine Revised Statutes, Title 24, section 2902-B, subsection 3 when the action is based on a sexual act or sexual contact:

1. An action based on a sexual act or sexual contact occurring on or after the effective date of this Act; and

2. An action for which the claim has not yet been barred pursuant to Title 24, section 2902, excluding the exceptions under Title 24, section 2902-B.

See title page for effective date.

CHAPTER 330
H.P. 519 - L.D. 768

**An Act To Increase Access to
Voter Lists**

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

Sec. 1. 21-A MRSA §196-A, sub-§1, ¶B, as enacted by PL 2009, c. 564, §8, is amended to read:

B. A political party, or an individual or organization engaged in so-called "get out the vote" efforts or activities directly related to a campaign, or an individual who has been elected or appointed to and is currently serving in a municipal, county, state or federal office, may purchase a list or report of certain voter information from the central voter registration system by making a request to the Secretary of State or to a registrar if the information requested concerns voters in that municipality. The Secretary of State or the registrar shall make available the following voter record information, subject to the fees set forth in subsection 2: the voter's name, residence address, mailing address, year of birth, enrollment status, electoral districts, voter status, date of registration, date of change of the voter record if applicable, voter participation history, voter record number and any special designations indicating uniformed service voters, overseas voters or township voters. Any person obtaining, either directly or indirectly, information from the central voter registration system under this paragraph may not sell, distribute or use the data for any purpose that is not directly related to activities of a political party, "get out the vote" efforts or activities directly related to a campaign. This paragraph does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that have purchased information from the central voter registration system from providing access to such information to their members for purposes directly related to party activities, "get out the vote" efforts or a campaign. For purposes of this paragraph, "campaign" has the same meaning as in section 1052, subsection 1.

See title page for effective date.

CHAPTER 331
S.P. 333 - L.D. 988

**An Act To Amend the Tax
Laws**

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

PART A

Sec. A-1. 36 MRSA §1754-B, sub-§2-C, as amended by PL 2005, c. 519, Pt. 000, §1, is further amended to read:

2-C. Issuance and renewal of resale certificates; contents; presentation to vendor. ~~The~~ On ~~November 1st of each year, the assessor shall periodically review the status of returns filed by each registered retailer registered under this section unless the retailer has a resale certificate expiring after December 31st of that year.~~ On or before the date of expiration of a resale certificate, the assessor shall issue to each registered retailer with gross sales of \$3,000 or more during the 12 months preceding the assessor's review a resale certificate effective for the next 3 calendar years. Any subsequent annual resale certificate issued is effective for the next 5 calendar years. If the retailer reports \$3,000 or more in gross sales during the 12 months preceding the assessor's review, the assessor shall issue to the registered retailer a resale certificate effective for 5 calendar years. Each certificate must contain the name and address of the retailer, the expiration date of the certificate and the certificate number. If a vendor has a true copy of a retailer's resale certificate on file, that retailer need not present the certificate for each subsequent transaction with that vendor during the period for which it is valid.

A registered retailer that fails to meet the \$3,000 threshold upon the annual review of the assessor is not entitled to renewal of its resale certificate except as provided in this subsection. When any such retailer shows that its gross sales for a more current 12-month period total \$3,000 or more or explains to the satisfaction of the assessor why temporary extraordinary circumstances caused its gross sales for the period used for the assessor's annual review to be less than \$3,000, the assessor shall, upon the written request of the retailer, issue to the retailer a resale certificate effective for the next 5 calendar years.

Sec. A-2. 36 MRSA §4072, as amended by PL 1999, c. 38, §1, is further amended to read:

§4072. Lien for taxes

All property subject to taxes under this chapter, in whatever form of investment it may happen to be, is charged with a lien for all taxes, interest and penalties that are or may become due on that property. The lien does not attach to any property passing by right of survivorship to a surviving joint tenant who was the