

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 3 (page 1, lines 14 to 18 in L.D.) and inserting the following:

‘Sec. 3. 18-A MRSA §3-108, sub-§(a), ¶(4) is enacted to read:

(4). Appropriate probate, appointment or testacy proceedings may be commenced in relation to a claim for personal injury made against the decedent by a person without actual notice of the death of the decedent at any time within 6 years after the cause of action accrues. If the proceedings are commenced more than 3 years after the decedent's death, any recovery is limited to applicable insurance.’

SUMMARY

This amendment replaces section 3 of the bill to clarify the process for bringing a personal injury claim against a decedent. It allows the commencement of probate proceedings in relation to a claim for personal injuries against a decedent within 6 years after the cause of action accrues if the claimant did not have actual notice of the death of the decedent. This is consistent with the statute of limitations for personal injury actions. The fact that the Maine Revised Statutes, Title 14, section 853 could apply to toll the statute of limitations in a particular action does not extend the time to commence probate, appointment or testacy proceedings beyond 6 years after the cause of action accrues. Any recovery in respect to proceedings commenced beyond 3 years after the decedent's death is limited to applicable insurance.