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(Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 354, L.D. 549, “An Act Regarding a Discovery Rule for the Statute of Limitations for Cases of Medical Negligence”

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 24 MRSA §2902, first ¶, as amended by PL 2013, c. 329, §2, is further amended to read:

~~Except as provided in section 2902-B, actions~~ Actions for professional negligence must be commenced within 3 years ~~after the cause of action accrues~~ of the date of the act or omission giving rise to the injury or 2 years from the date the injury is or reasonably should have been discovered, whichever occurs later, but no later than 5 years from the date of the act or omission giving rise to the injury. ~~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 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 when the cause of action is based upon the leaving of a foreign object in the body, in which case the cause of action 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.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment changes the statute of limitations for claims of professional negligence against medical professionals to allow actions to be commenced within 3 years of the date of the act or omission giving rise to the injury or 2 years from the date the injury is or reasonably should have been discovered, whichever occurs later, but no later than 5

COMMITTEE AMENDMENT

1 years from the date of the act or omission giving rise to the injury. The amendment restores
2 a provision that was eliminated by the bill providing that the statute of limitations does not
3 apply when the cause of action is the leaving of a foreign object in the body.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**