

# Maine Statutes of Limitation 2023

CLAIM <sup>1</sup>	TIME ALLOWED	STATUTE
<b>Assault and Battery</b>	6 years to file suit <sup>2</sup> per P.L. 2021, ch. 2017 (effective June 15, 2021)	14 M.R.S. § 752
<b>Attorney Malpractice</b>		
• General	6 years to file suit from act of negligence <sup>2</sup>	14 M.R.S. §§ 752; 753-B(1)
• Title opinions	6 years from discovery to file suit, but no more than 20 years from act or omission <sup>2</sup>	14 M.R.S. § 753-B(2)
• Drafting of wills	6 years from discovery to file suit <sup>2</sup>	14 M.R.S. § 753-B(3)
<b>Contract<sup>3</sup></b>		
• General	6 years to file suit	14 M.R.S. § 752
• UCC – sale of goods	4 years to file suit	11 M.R.S. § 2-725(1)
	6 years to file suit – personal injuries	11 M.R.S. § 2-725(2)
<b>Defamation, Slander, Libel, False Light</b>	2 years to file suit <sup>2</sup>	14 M.R.S. § 753
<b>Design Professionals</b> (Architects and Engineers)	4 years /10 years to file suit  (within <b>4 years</b> after malpractice or negligence is discovered, but in no event more than <b>10 years</b> after the substantial completion of the construction contract or the substantial completion of the services provided)	14 M.R.S. § 752-A
<b>Discrimination</b> (Maine Human Rights Act)	To file complaint with M.H.R.C.: 300 days from act of discrimination  To file suit in court: <b>2 years</b> from act of discrimination or <b>90 days</b> (whichever is later) from: (1) dismissal of the case under section 4612(2); (2) failure, within 90 days after finding reasonable grounds to believe that unlawful discrimination occurred, to enter into a conciliation agreement to which the plaintiff was a party; (3) issuance of a right-to-sue letter under section 4612(6); or (4) erroneous dismissal of case	5 M.R.S. § 4611  5 M.R.S. § 4613(2)(C) 5 M.R.S. § 4622(1)(A)-(D)
<b>False Imprisonment</b>	6 years to file suit <sup>2</sup> per P.L. 2021, ch. 207 (effective June 15, 2021)	14 M.R.S. § 752
<b>Federal Civil Rights</b> (42 U.S.C. § 1983) <b>Maine Civil Rights</b> (5 M.R.S. § 4681, et. seq.)	6 years to file suit <sup>2</sup>	14 M.R.S. § 752 (most analogous state statute of limitations) (state law tolling rules apply)
<b>Federal Tort Claims Act</b> (FTCA)	Notice of Claim: 2 years to file Notice of Claim with federal agency <sup>4</sup>  Prerequisite to Suit: Written denial by agency or failure of agency to act within 6 months of filing Notice of Claim  To file suit in court: within 6 months following mailing of written denial of claim by agency and within six years after the right of action accrues <sup>4,5</sup>	28 U.S.C. § 2401(b)  28 U.S.C. § 2675(a)  28 U.S.C. § 2401(a), (b)
<b>Fire Loss (Property) – Action Under Standard Policy</b>	2 years	24-A M.R.S. § 3002
<b>Liquor Liability</b>	Notice to “Server”: 180 days, unless “good cause” <sup>6</sup>  To file suit in court: 2 years	28-A M.R.S. § 2513  28-A M.R.S. § 2514
<b>Maine Tort Claims Act</b> (MTCA)	Notice of Claim for causes of action accruing before January 1, 2020 – 180 days unless “good cause” <sup>2</sup>  Notice of Claim for causes of action accruing on or after January 1, 2020 – 365 days unless “good cause” <sup>2</sup>  To file suit in court: 2 years <sup>2</sup>	14 M.R.S. § 8107(1); (2)  14 M.R.S. § 8107(1); (2)  14 M.R.S. § 8110
<b>Medical Malpractice</b>	Notice of Claim and statute of limitations to file suit in court: 3 years from act of negligence causing injury <sup>7</sup>	24 M.R.S. §§ 2902, 2903
• General		
• Foreign objects	Notice of Claim and to file suit in court: 3 years from discovery	24 M.R.S. §§ 2902, 2903
• Minors	Notice of Claim and to file suit in court: Earlier of 3 years from majority or 6 years from accrual	24 M.R.S. §§ 2902, 2903
• Tolling pending Panel process	Statute of limitations tolled from service or filing of Notice of Claim until 30 days after notice of Panel findings	24 M.R.S. § 2859

(continued)

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CLAIM <sup>1</sup>	TIME ALLOWED	STATUTE
<b>Medical Malpractice</b>		(continued)
• Governmental entities / employees	MTCA and FTCA requirements apply to medical malpractice claims against State and Federal governmental entities/employees  For State employees, a Notice of Claim pursuant to 24 M.R.S. § 2902 is required in addition to an MTCA Notice of Claim  For certain federally supported entities/employees subject to FTCA requirements (e.g., Community Health Centers), see <a href="http://bphc.hrsa.gov">http://bphc.hrsa.gov</a>	14 M.R.S. § 8107(1); (2) 14 M.R.S. § 8110 28 U.S.C. § 2401(a), (b) 28 U.S.C. § 2675(a)
<b>Mental Health Professional Malpractice Based on Sexual Acts</b> (except minors)	6 years Section 2902-B repealed pursuant to its own provisions, effective July 1, 2017	24 M.R.S. § 2902-B
<b>Nursing Home Liability</b>	See Medical Malpractice requirements	
<b>Personal Injury*</b> (except where otherwise provided)	6 years <sup>2</sup>  *Special limitation for proceedings to appoint P.R. of deceased defendant's estate: 1. Recovery of assets of estate – 3 years from date of death 2. Recovery of liability insurance only – up to 6 years <sup>8</sup> from accrual	14 M.R.S. § 752  18-C M.R.S. § 3-108(1)(F)
<b>Product Liability</b> (Negligence or Strict Liability)	6 years from date of accrual (See, e.g., <i>Bernier v. Raymark Industries, Inc.</i> , 516 A.2d 534 (Me. 1986))	
<b>PFAS Claims</b> <sup>9</sup>	6 Years from discovery of harm or injury <sup>2</sup> per P.L. 2021, ch. 328 <sup>10</sup>	14 M.R.S. § 752-F
<b>Sex Acts Against Minors</b>	No limitations and actions previously barred are revived	14 M.R.S. § 752-C(1), (3)
<b>Ski Areas</b>	2 years <sup>2</sup>	14 M.R.S. § 752-B
<b>Uninsured Motorist Claims</b>	6 years from denial of claim <sup>3</sup>	14 M.R.S. § 752
<b>Wrongful Death</b>	2 years from date of death For death by homicide, 6 years from discovery of the cause of action For death caused by medical malpractice, see medical malpractice requirements, <i>Butler v. Killoran</i> , 1998 ME 147, 714 A.2d 129	18-C M.R.S. § 2-807 <sup>11</sup>

<sup>1</sup> Civil actions – SOL generally 6 years (tolled until majority) except where otherwise provided (14 M.R.S. § 752).

<sup>2</sup> Limitations tolled until majority – 14 M.R.S. § 853 (see below).

<sup>3</sup> Unless otherwise provided in contract or policy.

<sup>4</sup> A state law statute of repose may present a substantive limitations defense to a federal tort claim. See *Wood v. United States*, No. 1:14-cv-00399-JDL, 2016 WL 11580579, 2016 U.S. Dist. LEXIS 13689 (D. Me. Feb 2, 2016) (medical malpractice claim barred against United States by 24 M.R.S. § 2902, despite discovery rule applying in FTCA cases, because Section 2902 was interpreted as a statute of repose).

<sup>5</sup> Person under legal disability or “beyond the seas” when action accrues may file suit within 3 years after disability ceases. 28 U.S.C. § 2401(a).

<sup>6</sup> “Good Cause” includes but is not limited to the inability of the plaintiff to obtain investigative records from a law enforcement officer or agency.

<sup>7</sup> In the case of continuing acts of negligence causing the injury, 3 years from the last such act. *Baker v. Farrand*, 2011 ME 91, 26 A.3d 806.

<sup>8</sup> Where no “actual notice” of death.

<sup>9</sup> Claims arising from harm or injury caused by perfluoroalkyl or polyfluoroalkyl substances.

<sup>10</sup> Effective October 18, 2021 and retroactive to conduct occurring prior to Act. Retroactivity not applicable to notice or limitations periods in the Maine Torts Claim Act.

<sup>11</sup> Effective September 1, 2019 but no change to the statute of limitations from the prior Wrongful Death Act.

## Tolling Provisions (other than as noted)

CLAIM	TIME ALLOWED	
Absence of Defendant from the State	Certain state law limitations tolled during residence outside of Maine	14 M.R.S. § 866
Absence of Plaintiff from U.S. when cause of action accrues	Certain state law limitations tolled until return to U.S.	14 M.R.S. § 853
Fraud and Fraudulent Concealment	6 years after discovery (state law claims)	14 M.R.S. § 859
Imprisonment or Mental Illness of Plaintiff when cause of action accrues	Limitations tolled until disability removed (state law claims)	14 M.R.S. § 853
Minority of Plaintiff when cause of action accrues	Certain state law limitations tolled until majority	14 M.R.S. § 853