

# Maine Statutes of Limitation 2022

CLAIM <sup>1</sup>	TIME ALLOWED	ACTION REQUIRED <sup>2</sup>
<b>Assault and Battery</b>	6 years <sup>3</sup> per P.L. 2021, ch. 207 (effective June 15, 2021)	14 M.R.S. § 752
<b>Attorney Malpractice</b>		
• General	6 years from act of negligence <sup>3</sup>	14 M.R.S. §§ 752; 753-B(1)
• Title opinions	6 years from discovery, but no more than 20 years from act or omission <sup>3</sup>	14 M.R.S. § 753-B(2)
• Drafting of wills	6 years from discovery <sup>3</sup>	14 M.R.S. § 753-B(3)
<b>Contract<sup>4</sup></b>		
• General	6 years	14 M.R.S. § 752
• UCC – sale of goods	4 years	11 M.R.S. § 2-725(1)
	6 years – personal injuries	11 M.R.S. § 2-725(2)
<b>Defamation</b>	2 years <sup>3</sup>	14 M.R.S. § 753
<b>Design Professionals</b> (Architects and Engineers)	4 years / 10 years	14 M.R.S. § 752-A
	All civil actions for malpractice or professional negligence against architects or engineers duly licensed or registered under Title 32 shall be commenced within <b>4 years</b> after such malpractice or negligence is discovered, but in no event shall any such action be commenced more than <b>10 years</b> after the substantial completion of the construction contract or the substantial completion of the services provided.	
<b>Discrimination</b> (Maine Human Rights Act)	300 days from act of discrimination	Filing of complaint with M.H.R.C. – 5 M.R.S. § 4611
	2 years from act of discrimination or 90 days (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. § 4613(2)(C) 5 M.R.S. § 4622(1)(A)-(D)
<b>False Imprisonment</b>	6 years <sup>3</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)	6 years	14 M.R.S. § 752 (most analogous state statute of limitations) (state law tolling rules apply)
<b>Federal Tort Claims Act</b> (FTCA)	2 years. <sup>5</sup> Written denial by agency or failure of agency to act within 6 months of filing is a prerequisite to commencement of action (subject to equitable tolling)	Notice of Claim to federal agency – 28 U.S.C. § 2401(b)
	6 months following mailing of written denial of claim by agency, but no later than 6 years from accrual (failure of agency to make disposition of claim within 6 months may, at option of claimant at any time thereafter, be deemed a denial) (person under legal disability or “beyond the seas” when action accrues may bring action within 3 years after disability ceases) (subject to equitable tolling)	28 U.S.C. § 2401(a), (b); § 2675(a)
<b>Fire Loss (Property) – Action Under Standard Policy</b>	2 years	24-A M.R.S. § 3002
<b>Liquor Liability</b>	180 days, unless “good cause” including but not limited to the inability of the plaintiff to obtain investigative records from a law enforcement officer or agency	Notice to “Server” 28-A M.R.S. § 2513
	2 years	28-A M.R.S. § 2514
<b>Maine Tort Claims Act</b> (MTCA)	For causes of action accruing before January 1, 2020– 180 days Notice of Claim unless “good cause” (tolled during minority)	Notice of Claim to governmental entity 14 M.R.S. § 8107(1); (2)
	For causes of action accruing on or after January 1, 2020- 365 days Notice of Claim unless “good cause” (tolled during minority)	
	2 years (tolled during minority)	14 M.R.S. § 8110
<b>Medical Malpractice</b>		
• General	3 years from act of negligence causing injury (In the case of continuing acts of negligence causing the injury, 3 years from the last such act. See <i>Baker v. Farrand</i> , 2011 ME 91, 26 A.3d 806)	Notice of Claim 24 M.R.S. § 2902
• Foreign objects	3 years from discovery	Notice of Claim 24 M.R.S. § 2902
• Minors	Earlier of 3 years from majority or 6 years from accrual	Notice of Claim 24 M.R.S. § 2902

CLAIM <sup>1</sup>	TIME ALLOWED	ACTION REQUIRED <sup>2</sup>
<b>Medical Malpractice</b>		<i>(continued)</i>
• 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
• Governmental entities / employees	1. State governmental entities/employees (e.g., hospital administrative districts) 2. Federal governmental entities/employees (e.g., VA Hospital, Togus) 3. Certain federally supported entities/employees (e.g. Community Health Centers, <a href="http://bphc.hrsa.gov">http://bphc.hrsa.gov</a> )	Notice of Claim 24 M.R.S. § 2902 in addition to MTCA notice See FTCA requirements See FTCA requirements
<b>Mental Health Professional Malpractice Based on Sexual Acts</b> (except minors)	6 years, Section REPEALED, 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>3</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>6</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))	
PFAS Claims <sup>7</sup>	6 years from discovery per P.L. 2021, ch. 328 <sup>8</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>3</sup>	14 M.R.S. § 752-B
<b>Uninsured Motorist Claims</b>	6 years from denial of claim <sup>4</sup>	14 M.R.S. § 752
<b>Wrongful Death</b> (except for medical malpractice. <i>Bulter v. Killoran</i> , 1998 ME 147, 714 A.2d 129)	2 years from date of death	18-A M.R.S. § 2-804 <sup>9</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> Filing in court except as otherwise indicated.

<sup>3</sup> Limitations tolled until majority – 14 M.R.S. § 853 (see below).

<sup>4</sup> Unless otherwise provided in contract or policy.

<sup>5</sup> State law statutes of repose may be substantive defenses to federal tort claims. See *Wood v. United States*, 2016 U.S. Dist. LEXIS 13689 (D. Me.) (medical malpractice claim barred against United States by 24 M.R.S. § 2902 notwithstanding federal discovery rule).

<sup>6</sup> Where no “actual notice” of death.

<sup>7</sup> Claims arising from harm or injury cause by perfluoroalkyl and polyfluoroalkyl substances.

<sup>8</sup> Retroactive to conduct occurring prior to Act. Not applicable to notice or limitations periods in the Maine Tort Claims Act.

<sup>9</sup> Maine Uniform Probate Code, 18-C M.R.S. § 2-807(2), effective September 1, 2019.

### 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