

## 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

**Legislative Document** 

No. 1353

S.P. 416

In Senate, March 30, 2011

## An Act To Amend the Discovery Rule Laws

Reference to the Committee on Judiciary suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator BARTLETT of Cumberland.

Be it enacted by the People of the State of Maine as follows:
Sec. 1. 14 MRSA §817 is enacted to read:
§817. Accrual of action in defective or unreasonably dangerous goods or products claim
In an action brought for damages resulting from defective or unreasonably dangerous goods or products pursuant to section 221, the cause of action accrues when the claiman suffers a personal injury sufficient to cause actual loss, damage or suffering.
When a defective good or product could not have reasonably been discovered by the claimant until a later triggering event, the cause of action accrues when the claiman knew or should have known of the defective good or product.
SUMMARY
This bill codifies the discovery rule for product liability cases to specify that the cause of action, for statute of limitation purposes, accrues when a person suffers a personal injury due to a defective product or good or, if the defect was not reasonably discoverable, when the person knew or should have known of the defective good or product.