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November 6, 2023

VIA EMAIL ONLY

Matthew Pollack, Esq.
Clerk of the Law Court
Maine Supreme Judicial Court
205 Newbury Street, Rm. 139
Portland, ME 04101

Re: **BCD-23-122**

Dupuis, et al. v. Roman Catholic Bishop of Portland

Dear Mr. Pollack:

In accordance with M.R. App. P. 7A(j), I am writing to advise the Court and counsel that an important relevant legal authority came to our attention after the briefing was completed. The case is *Dahms v. Osteopathic Hosp.*, 2001 ME 145, 782 A.2d 774.

In *Dahms*, the Osteopathic Hospital appealed the decision of a hearing officer that granted the petitions and medical benefits of an employee pursuant to the Workers' Compensation Act. The hospital argued that the employee's petitions were time-barred pursuant to 39 M.R.S. § 95 (Supp. 1982) because they were filed more than 10 years after the employer's last payment under the Act. The employee argued that the hearing officer's decision was supported by an amendment to the statute of limitations, 39-A M.R.S. § 306 (2001). The Law Court vacated and remanded, agreeing with the hospital and holding that "an amendment to the statute of limitations cannot extend the life of a claim that has previously expired." *Id.* at 12 (citing *Rutter v. Allstate Auto. Ins. Co.*, 655 A.2d 1258, 1259 (Me. 1995); *Danforth v. L.L. Bean, Inc.*, 624 A.2d 1231, 1232 (Me. 1993); *Dobson v. Quinn Freight Lines, Inc.*, 415 A.2d 814, 816 (Me. 1980)).

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The reason for adding this authority is to support, as a matter of Maine law, a point made at pages 25-28, that the Maine Constitution prohibits retroactive repeal or amendment of an expired statute of limitations to deprive a defendant of an affirmative defense, citing the Law Court's decisions in *Dobson, supra*, and *Morrisette v. Kimberly-Clark Corp.*, 2003 ME 138, ¶ 15, 837 A.2d 123, among other cases.

Sincerely,



Scott D. Dolan

SDD/sdd

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