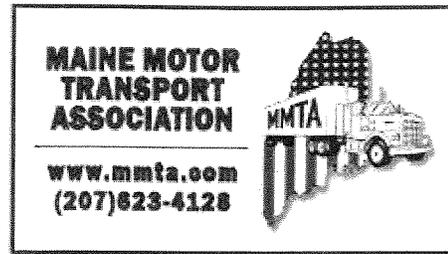


**TESTIMONY OF  
Brian Parke  
L.D. 934, "An Act to Amend the Laws  
Governing Damages Awarded for  
Wrongful Death"**



Good afternoon, Senator Carney, Representative Moonen, and members of the Committee on Judiciary. My name is Brian Parke and I am the President and CEO of the Maine Motor Transport Association and a resident of Brunswick. The Association is comprised of more than 1,700 member companies, whose employees make up a large portion of the 34,000 people who make their living in the trucking industry in Maine.

I am here today to testify in opposition to LD 934.

As you might imagine, trucking companies are often seen as having deep pockets in litigation due to the required insurance minimums prescribed by the Federal Motor Carrier Safety Administration regulations; \$750,000 for most non-hazmat companies and either \$1m or \$5m in coverage for hazmat haulers, depending on the commodity they haul.

And we are big targets. You see it all over the TV, hear it on the radio and, if you live in some states (particularly in the South) you are reminded of it on almost every billboard on every major highway. "Were you injured by a big rig? I'm the lawyer who can make them pay." Some even go so far as to talk about the higher insurance limits truckers have to carry as a way to entice potential clients to call them about their case.

Higher damage amounts, like those being proposed here, will result in an increased cost of premiums to cover the actuarially predicted increase in litigation costs. Insurance costs, especially for those trucking companies who are bringing on younger drivers to pair with experienced mentors in response to our industry's workforce shortage, are already one of the top expenses for our members behind labor and fuel costs. And passing this bill would make insurance premiums cost more, making doing business in Maine even less attractive than it is now.

Making matters worse, we contend that the higher judgements as a result of the higher damage amounts that are being proposed here are likely to rest on industries like ours since our "deep pockets" can be on the hook for the entire judgement amount even if our members are only 1% responsible due to Maine's joint and several liability laws.

In conclusion, and as cynical as it sounds, we see this as being just as much about increasing settlement values as it is about providing greater justice for victims of tragic circumstances. A less objectionable approach would be to require any additional increase in damages to go directly to the victims and not to line the pockets of personal injury attorneys. Obviously, this is not something that can be legislated, but if the arguments for LD 934 is to provide additional monetary award for those impacted by the death of a loved one, then make sure they are the sole beneficiaries of the additional damage amounts.

Thank you for your consideration and for allowing me to testify. I would be happy to answer any questions the committee has now or at the Work Session.