



Celebrating 100 years  
**MWUA**  
MAINE WATER UTILITIES ASSOCIATION  
Organized in 1925



April 7, 2025

Honorable Anne Carney, Senate Chair  
Honorable Amy Kuhn, House Chair  
Joint Legislative Committee on Judiciary  
100 State House Station  
Augusta, ME 04333

Re: *Testimony in Opposition to LD 1347, An Act to Increase the Cap on Liability for Governmental Entities Under the Maine Tort Claims Act*

Dear Senator Carney, Representative Kuhn, and Members of the Committee on Judiciary:

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide testimony in opposition to LD 1347 which increases the cap on liability for governmental entities under the Maine Tort Claims Act.

**About MWUA.** MWUA is a nonprofit association based in Augusta that provides support for water works professionals throughout the State of Maine in advocating for safe drinking water through educational and technical programming as well as advocacy on the local, state, and national level. The Association was formed in 1925 and consists of approximately 86 utility and 60 associate members. Maine's water utilities provide service to approximately 700,000 Maine residents, thousands of Maine businesses and public institutions, and millions of visitors to Maine every year.

**Background.** This bill proposes to triple the current statutory cap on damages recoverable from governmental entities under the Maine Tort Claims Act—from \$400,000 to \$1.2 million per incident. These higher liability limits would be relevant to certain types of activities by government agencies where the Maine Tort Claims Act does not provide immunity from tort liability, e.g. road construction and the operation of public buildings. While we understand the intent to revisit statutory limits periodically, this dramatic increase would impose a significant and immediate fiscal burden on water utilities across the state.

**Discussion.** Public water utilities operate as quasi-municipal entities and are subject to the Maine Tort Claims Act. Like other local government bodies, they must manage risk exposure responsibly while keeping water rates stable and infrastructure investments sustainable. Increasing the cap threefold would likely necessitate increased liability insurance coverage or require setting aside greater reserves, both of which would drive up operational costs. Ultimately, those costs are borne by ratepayers.



**Letter from MWUA re LD 1347**

**April 7, 2025**

**Page 2**

MWUA is particularly concerned that LD 1347 would create broader financial exposure without a corresponding increase in state support or risk mitigation tools. Given the essential public service that water utilities provide, ensuring predictable and manageable liability risk is critical to their long-term planning and fiscal stability.

**Conclusion.** For these reasons, the Maine Water Utilities Association urges the Committee to vote Ought Not to Pass on LD 1347. Thank you for the opportunity to provide testimony, and I would be happy to answer any questions from the Committee.

Thank you for your consideration,

A handwritten signature in cursive script, appearing to read "Roger Crouse".

Roger Crouse,  
Chair, MWUA Legislative & Regulatory Affairs Committee

cc: James I. Cohen, Verrill Dana, LLP, Legislative Counsel

