



AMERICAN CIVIL LIBERTIES UNION

Maine

PO Box 7860
Portland, ME 04112
(207) 774-5444
www.aclumaine.org

TESTIMONY OF MEAGAN SWAY

Ought Not to Pass – LD 139

**An Act to Increase the Liability of Parents
and Legal Guardians for Damage by Children**

JOINT STANDING COMMITTEE ON JUDICIARY

January 26, 2023

Senator Carney, Representative Moonen, and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Meagan Sway, and I am policy director at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to oppose this bill because it dramatically increases the liability of parents under Maine's laws, and will disproportionately harm low-income families.

Under current law, the parents or legal guardians of a minor who causes damage to the property or body of another could face civil liability of up to \$800. 14 M.R.S.A. §304. This law was passed in 1995 and to my knowledge has not been updated since then. If it were updated to account for inflation, the amount parents could be held liable for would be \$1,557.99. This bill more than triples that increase to \$6,000.

Civil fines pose a serious a problem for low-income Mainers, who tend to be disproportionately people of color. The increased penalty this bill would create is a significant sum for people with low incomes, and would be in addition to the cost of defending oneself from a civil lawsuit and any professional help one might seek for their child who has acted out. Additionally, it can bring parents into the criminal legal system if they are unable to pay or do not show up for a court hearing.

Before increasing the amount of liability all the way to \$6,000, we urge you to consider the unintended consequences of more than tripling the current liability cap, and to vote against such a dramatic increase in the law.