

TESTIMONY OF MICHAEL BIGOS, ESQ., MAINE TRIAL LAWYERS  
ASSOCIATION  
IN SUPPORT OF  
**LD 1978, An Act Regarding Government Liability Related to Sexual Acts Toward  
Minors**  
May 19, 2025  
Judiciary Committee

Senator Carney, Representative Kuhn, and Honorable Members of the Joint Standing Committee on Judiciary, my name is Michael Bigos. I live in Auburn. I am a shareholder and co-owner of Berman & Simmons law firm in Lewiston, Bangor, Biddeford and Portland. The Maine Trial Lawyers Association urges you to vote LD 1978 Ought to Pass.

LD 1978, would do two things:

First, it adds an exception to immunities conveyed by the Maine Tort Claims Act. LD 1978 would except governmental entities from immunity when an employee commits or engages in a sexual act against a minor while working for their employer, whether on or off governmental property.

Second, LD 1978 removes the statute of limitations to allow actions against a governmental entity based upon sexual acts towards minors regardless of when the abuse occurred or statute of limitations expired.

As you, the current Maine Tort Claims Act gives state and local governmental entities immunity from civil liability except for 4 narrow exceptions: negligent vehicle and equipment operation; negligent building maintenance; negligent road construction and cleaning; and pollution discharge. Otherwise, government entities have immunity from civil liability. The MTCA has been around since the 1970's.

LD 1978 is a reasonable revision to the MTCA that appropriately advances access to justice for Mainers within a capped damage limit. Although we prefer having no caps to allow a judge or a jury to find a full amount of damages that could exceed the MTCA cap, we are not asking for that change.

Recognizing this additional exception to governmental immunity will not expose the State financial ruin by judgment. Rather, survivors' largest claims will still tower over the MTCA's damages cap.

The Legislature has the authority and the mandate to serve the public and make our communities safer. LD 1978 does both. By excepting claims for child sex abuse from the Maine Tort Claims Act, this legislation advances access to justice.

Child sex abuse inflicts severe, life-long injury upon survivors. Claims for damages arising therefrom should not be barred when the government's actions/inactions enabled the abuse. Sexual abuse is never the survivor's fault. Immunizing governmental negligence that enables child abuse denies survivors the justice they deserve.

Survivors of child sex abuse face a lifetime of adverse health outcomes including increased risk for PTSD, depression, and anxiety; substance use disorder; obesity; heart disease; and self-harm. Survivors of child sex abuse face challenges coming forward for fear of stigma, being disbelieved, or shame. For this reason, the average age at which a survivor of child sex abuse first discloses what happened to them is 52.

Survivors of child sex abuse are deprived of power and control. LD 1978 empowers survivors to reclaim healthy power over their trauma.

Thank you very much. I urge you to vote LD 1978 Ought To Pass. Thank you.