



Maine County Commissioners Association

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April 7, 2025

Sen. Carney, Chair
Rep. Kuhn, Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

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

Chair Carney, Chair Kuhn, and Members of the Joint Standing Committee on Judiciary:

On behalf of the Maine County Commissioners Association, we appreciate the opportunity to provide testimony to this Committee in ***opposition*** to LD 1347. While we recognize the importance of providing adequate remedies for those harmed by governmental negligence, this bill presents a substantial financial and operational burden for county governments and, by extension, Maine taxpayers.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

What does LD 1347 do? LD 1347 would increase the statutory cap on damages recoverable against governmental entities under the Maine Tort Claims Act from \$400,000 to \$1,200,000. The bill applies to causes of action arising on or after January 1, 2026.

Discussion. LD 1347 proposes a significant increase to the liability cap under the Maine Tort Claims Act (MTCA), tripling the amount that can be collected. The existing cap was established to balance the right to recovery with the practical fiscal constraints faced by municipalities and counties. A threefold increase in exposure would require local governments to reevaluate and significantly increase their insurance coverage to guard against the possibility of higher damage awards. This would translate directly into increased costs—either through higher insurance premiums or increased self-insurance reserves. For counties operating within already strained budgets, these additional financial pressures would divert resources from core public services, including emergency response, law enforcement, and infrastructure maintenance.

Furthermore, the current MTCA framework provides a stable and predictable legal environment for counties and other governmental entities. Tripling the damages cap risks introducing uncertainty and volatility into that system—without a clear demonstration of necessity or evidence that the existing cap has failed to provide fair access to justice. Lastly, 14 MRSA §8105(3) already provides for a mechanism

Testimony of MCCA re LD 1347

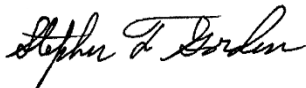
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should a claimant believe they have a claim against the State in excess of \$400,000, or for a claim for which the State is immune, by allowing the claimant to apply to the Legislature for special authorization to proceed within another specified limit.

Conclusion. For these reasons, MCCA urges the Committee to vote **Ought Not to Pass** on LD 1347. While we remain open to dialogue about appropriate safeguards for citizens and thoughtful updates to the law, we do not believe this bill strikes the right balance between public accountability and fiscal responsibility. If you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,



Stephen Gorden
Co-Chair, Legislative Policy Committee, MCCA



Jean-Marie Caterina
Co-Chair, Legislative Policy Committee, MCCA

cc: Commissioner Andre Cushing, President, MCCA
James I. Cohen, Verrill Dana, LLP, Legislative counsel for MCCA

