



Mark W. Lawrence
Senator, District 35

THE MAINE SENATE
132nd Legislature

3 State House
Station Augusta,
Maine 04333

Testimony of Senator Mark W. Lawrence introducing

**LD 1348, An Act to Increase the Limit on Damages Under the Maine Tort Claims Act for Negligence
Involving School Field Trips
*Before the Joint Standing Committee on Judiciary***

April 7, 2025

Senator Carney, Representative Kuhn, and Esteemed Members of the Joint Standing Committee on Judiciary, I am Senator Mark Lawrence and I represent Senate District 35 in southern York County, which includes, Eliot, Kittery, Ogunquit, South Berwick and York. I am also a private attorney and small business owner of Lawrence Law Firm in South Berwick.

I am pleased to present LD 1348. Schools must never needlessly endanger students on School Field trips in order to prevent death and serious injury. When they do, they should be held accountable.

This bill would allow legal claims to be brought for those seriously injured or killed when school field trips are negligently planned and negligently run. Currently those victims are shut out. And there are recent, tragic examples that the Maine Trial Lawyer's Association will share with us.

LD 1348 promotes safety and accountability for schools that run field trips. Almost all field trips are safe. But when the school kills or seriously injures a child needlessly through negligent, preventable acts, the family should be able to seek civil damages. These incidents are typically covered by insurance or the MMA risk pool. There are few of these, but when they happen, they tear communities apart, in part because of the harshness of the MTCA. Many states don't even have a Tort Claims Act immunity system. Those states arguably have more stringent standards to keep students safe because of the financial incentive for doing so.

The Maine Tort Claims Act of course gives state and local governmental entities immunity from civil liability except for **four** 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.

This bill would add a very narrow exception to the MTCA.

Thank you for the opportunity to present this bill. I respectfully urge the Committee to vote Ought To Pass on LD 1348.