



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 1347, An Act to Increase the Cap on Liability for Governmental Entities
Under the Maine Tort Claims Act
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 1347, which would raise the damages cap from \$400,000 per incident to \$1.25 million.

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. The MTCA has been around since the 1970's.

Laws with damage caps need to be updated from time to time to adjust for inflation and other circumstances.

The current cap has been in place since 1999, or 26 years. \$400,000 is too little if the government causes a wrongful death or someone experiences catastrophic injury like paraplegia, or if several people are hurt at once like a school bus full of students, or a multi-vehicle crash.

\$1.25 million is probably too little for the most serious contingencies, but it is a number that balances fairness with risk exposure. It's about in the middle of the range of serious risk exposure.

Thank you for the opportunity to present this bill. I respectfully urge the Committee to vote Ought To Pass on LD 1347.

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