

TESTIMONY OF VERNE PARADIE, ESQ.
**LD 1348, An Act to Increase the Limit on Damages Under the Maine Tort Claims Act for
Negligence Involving School Field Trips**

April 14, 2025
Judiciary Committee

Senator Carney, Representative Kuhn, and Honorable Members of the Joint Standing Committee on Judiciary. My name is Verne Paradie, and I am an attorney in Lewiston. I urge to you vote LD 1348 Ought to Pass.

I represented the unfortunate family of a Lewiston Middle School student, who drowned while on a school field trip.

In June 2018, the City of Lewiston and the Lewiston School Department held a school-sponsored field trip to Range Pond State Park in Poland, Maine for a group of seventh graders. R.I. was a student on that trip. The trip consisted of approximately 111 students and 11 adult “chaperones,” all of whom were employed by the Lewiston School Department. Upon arrival at Range Pond, the team leader discussed ground rules with the students. The State of Maine, who was responsible for managing the Park, did not offer or provide a lifeguard or other representative to discuss safety rules within the group. It also only provided one lifeguard at the beach area.

After 11:00 am, a student reported to a chaperone that he could not locate R.I. According to witnesses, the lifeguard on duty appeared not to know what to do in the situation and asked other chaperones to get in the water to look for R.I. After rescue personnel arrived, they were able to locate R.I. R.I. was taken to a local hospital where he was pronounced dead. The family’s lawsuit claimed that the failure of the City of Lewiston, Lewiston School Department and the Maine Department of Conservation to follow their protocols and procedures, created a danger to R.I. from which they had a duty to protect him.

The Court dismissed the case before even allowing us to pursue discovery in the matter. We appealed to the First Circuit Court of Appeals, who also denied us, holding that the school and the State were immune from suit, leaving R.I.’s family with no recourse for the negligent and intentional actions of the City and State.

This bill would allow legal claims to be brought for those seriously injured or killed when school field trips are negligently planned and run. Claimants would still need to prove their case. Currently, those victims are denied access to courthouse for their significant losses.

LD 1348 promotes safety and accountability for schools that run field trips. R.I.’s death was preventable and schools should be held responsible for not following well-established safety protocols.

When a child needlessly dies on a field trip due to the negligent acts of city or state employees, the family should be able to seek civil damages. Having a shield of immunity does not encourage those responsible for the student’s safety to assure that safety.

Thank you very much. I urge you to vote LD 1438 Ought To Pass.