

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 832

H.P. 632

House of Representatives, February 15, 2001

An Act to Clarify Mutual Aid Agreements Between Law Enforcement Agencies.

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUPLESSIE of Westbrook.
Cosponsored by Senator O'GARA of Cumberland and
Representatives: CARR of Lincoln, LESSARD of Topsham, MICHAUD of Fort Kent, MUSE
of South Portland, RICHARDSON of Brunswick, TOBIN of Dexter, TUTTLE of Sanford,
Senator: McALEVEY of York.

Be it enacted by the People of the State of Maine as follows:

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4 Sec. 1. 30-A MRSA §2674, as amended by PL 1999, c. 654, §1,
is further amended to read:

6 **§2674. Aid to other law enforcement agencies**

8 Except as otherwise provided by municipal charter or
10 ordinance, the municipal officers may authorize the chief of
police or other designee to request other municipalities to
12 provide police officers to assist the requesting municipality.
The municipal officers may authorize the chief of police or other
14 designee to provide police officers to assist other
municipalities when so requested by a properly authorized chief
of police or other designee of the requesting municipality.

16 The authorizations of the municipal officers shall ~~must~~ be
18 accompanied by an agreement between the requesting municipality
and the responding municipality that specifies which municipality
20 ~~shall-be~~ is liable, if any liability is determined to exist, for
personal injury or property damage caused by or occurring to the
22 police officers of the responding municipality in the course of
assisting the requesting municipality.

24 If the request for assistance is for a major unplanned
26 incident that jeopardizes the health and welfare of the citizens
of the requesting municipality and when delay may cause further
28 jeopardy to life or property or in the case of jointly planned
collaborative activity, the police chief of any municipality or
30 the chief's designee may request assistance from or provide
assistance to another municipality or law enforcement agency
32 whether or not an agreement between the 2 municipalities or
parties exists. Each police department shall assume its own
34 liability to a 3rd party, except for liability incurred by the
command or operational decisions made by the requesting
36 department, which must be assumed by the requesting department.
For the purposes of this paragraph, "major unplanned incident"
38 means an extraordinary emergency to which a law enforcement
agency is unable to adequately respond that presents a
40 substantial and imminent danger to the public safety and that
necessitates the cooperation or assistance of other law
42 enforcement agencies.

44 The police officers of the responding municipality shall or
law enforcement agency have the same authority as police officers
46 within the limits of the requesting municipality, except as to
the service of civil process and, when assisting other
48 municipalities, shall have the same privileges and immunities as
when acting within their own municipality jurisdiction.

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SUMMARY

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This bill allows a law enforcement agency to request assistance from a municipality, a county or the State for jointly planned collaborative activities or for major unplanned incidents without an agreement specifying liability.

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