



# **125th MAINE LEGISLATURE**

### FIRST REGULAR SESSION-2011

**Legislative Document** 

No. 573

S.P. 165

In Senate, February 15, 2011

An Act To Protect the Civil Rights of Citizens

Reference to the Committee on Judiciary suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR. Secretary of the Senate

Presented by Senator SNOWE-MELLO of Androscoggin. Cosponsored by Representatives: O'CONNOR of Berwick, SIROCKI of Scarborough, WATERHOUSE of Bridgton.

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

2 Sec. 1. 5 MRSA §4686 is enacted to read:

#### 3 §4686. Deprivation of rights

4 Notwithstanding the provisions of Title 14, section 8103, a person who under color of 5 a statute, ordinance, rule, regulation, custom or usage of the State or political subdivision of the State subjects another person to the deprivation of any right, privilege or immunity 6 7 secured by the Constitution of Maine is liable to the party injured in an action at law, suit in equity or other proper proceeding for redress. This section does not apply to injunctive 8 relief in an action brought against a judicial officer for an act or omission taken in the 9 officer's judicial capacity unless a declaratory decree was violated or declaratory relief 10 11 was unavailable.

## 12 SUMMARY

13 This bill mirrors federal law in allowing a person to bring a civil action for a violation 14 of the person's constitutional rights against a person acting under the color of a statute, 15 ordinance, rule, regulation, custom or usage of the State or a political subdivision of the 16 State.