

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1139

H.P. 804

House of Representatives, March 21, 2013

**An Act To Allow County Law Enforcement To Participate in
Mutual Aid Agreements**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GRAHAM of North Yarmouth.

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

2 **Sec. 1. 30-A MRSA §462** is enacted to read:

3 **§462. Aid to other law enforcement agencies**

4 Except as otherwise provided by county charter or ordinance, the county
5 commissioners may authorize the sheriff or other designee to request other counties to
6 provide law enforcement officers to assist the requesting county. The county
7 commissioner may authorize the sheriff or other designee to provide law enforcement
8 officers to assist other counties when so requested by a properly authorized sheriff or
9 other designee of the requesting county.

10 The authorizations of the county commissioners under this section must be
11 accompanied by an agreement between the requesting county and the responding county
12 that specifies which county is liable, if any liability is determined to exist, for personal
13 injury or property damage caused by or occurring to the law enforcement officers of the
14 responding county in the course of assisting the requesting county.

15 If a request for assistance is for a major unplanned incident that jeopardizes the health
16 and welfare of the citizens of the requesting county and when delay may cause further
17 jeopardy to life or property or in the case of jointly planned collaborative activity, the
18 sheriff or the sheriff's designee may request assistance from or provide assistance to
19 another county or law enforcement agency whether or not an agreement between the 2
20 counties or parties exists. Each law enforcement department shall assume its own
21 liability to a 3rd party, except for liability incurred by the command or operational
22 decisions made by the requesting department, which must be assumed by the requesting
23 department. For the purposes of this paragraph, "major unplanned incident" means an
24 extraordinary emergency to which a law enforcement agency is unable to adequately
25 respond that presents a substantial and imminent danger to the public safety and that
26 necessitates the cooperation or assistance of other law enforcement agencies.

27 The law enforcement officers of the responding county or law enforcement agency
28 have the same authority as law enforcement officers within the limits of the requesting
29 county, except as to the service of civil process and, when assisting the other county, have
30 the same privileges and immunities as when acting within their own jurisdiction.

31 **Sec. 2. 30-A MRSA §2674**, as amended by PL 2001, c. 65, §1, is further amended
32 to read:

33 **§2674. Aid to other law enforcement agencies**

34 Except as otherwise provided by municipal charter or ordinance, the municipal
35 officers may authorize the chief of police or other designee to request other municipalities
36 to provide ~~police~~ law enforcement officers to assist the requesting municipality. The
37 municipal officers may authorize the chief of police or other designee to provide ~~police~~
38 law enforcement officers to assist other municipalities when so requested by a properly
39 authorized chief of police or other designee of the requesting municipality.

1 The authorizations of the municipal officers must be accompanied by an agreement
2 between the requesting municipality and the responding municipality that specifies which
3 municipality is liable, if any liability is determined to exist, for personal injury or
4 property damage caused by or occurring to the ~~police~~ law enforcement officers of the
5 responding municipality in the course of assisting the requesting municipality.

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

19 The ~~police~~ law enforcement officers of the responding municipality or law
20 enforcement agency have the same authority as ~~police~~ law enforcement officers within
21 the limits of the requesting municipality, except as to the service of civil process, and,
22 when assisting other municipalities, have the same privileges and immunities as when
23 acting within their own jurisdiction.

24 SUMMARY

25 Current law allows municipal officers, unless prohibited by municipal charter or
26 ordinance, to authorize the chief of police for that municipality to render law enforcement
27 aid to other municipalities, when requested, or to request law enforcement aid from other
28 municipalities.

29 This bill allows county commissioners, unless prohibited by county charter or
30 ordinance, to authorize the sheriff for that county to render law enforcement aid to other
31 counties, when requested, or to request law enforcement aid from other counties.

32 This bill also specifies that the law applies to all law enforcement officers, not just
33 police officers.