

MAINE STATE LEGISLATURE

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SAC
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L.D. 1416

Date: 6/16/21

(Filing No. S-338)

MAJORITY

JUDICIARY

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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 466, L.D. 1416, "An Act To Limit Qualified Immunity of Law Enforcement Officers in Maine Civil Rights Act Claims"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Establish a Task Force To Study the Use of Qualified Immunity by Maine Law Enforcement Officers'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Task force established. Resolved: That the Task Force To Study the Use of Qualified Immunity by Maine Law Enforcement Officers, referred to in this resolve as "the task force," is established.

Sec. 2. Task force membership. Resolved: That, notwithstanding Joint Rule 353, the task force consists of 15 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

2. Three members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

3. Two persons with lived experience with use of force by law enforcement officers, one appointed by the President of the Senate and one appointed by the Speaker of the House;

4. A representative of an organization advocating for civil liberties in the State, appointed by the Speaker of the House;

5. A representative of an organization representing the interests of state troopers, appointed by the President of the Senate;

6. A representative of an organization in the State representing the interests of sheriffs, appointed by the Speaker of the House;

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7. A representative of an organization representing plaintiffs' attorneys, appointed by the President of the Senate;

8. A representative of an organization representing criminal defense attorneys, appointed by the Speaker of the House.

9. The Attorney General, or, if the Attorney General is unavailable, the Attorney General's designee;

10. A representative of an organization representing the interests of municipal police officers, appointed by the Senate; and

11. A representative of an organization advocating for the interests of racial minorities, appointed by the President of the Senate.

Sec. 3. Chair. Resolved: That the first-named Senate member is the chair of the task force.

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chair shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chair may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

Sec. 5. Duties. Resolved: That the task force shall study the use of qualified immunity as a defense by law enforcement officers to civil rights claims; study the use of immunity as a defense to claims asserted under the Maine Tort Claims Act; examine how the application of immunity defenses affects the lives of individuals in the State, including individuals asserting claims against law enforcement officers and law enforcement officers themselves; and review reforms to qualified immunity initiated in other jurisdictions.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than December 1, 2021, the task force shall submit a report to the Joint Standing Committee on Judiciary that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 130th Legislature. The Joint Standing Committee on Judiciary may report out legislation related to the report to the Second Regular Session of the 130th Legislature.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill with a resolve. It establishes the Task Force To Study the Use of Qualified Immunity by Maine Law Enforcement Officers. The task force is directed to study the use of qualified immunity as a defense by law enforcement officers to civil rights claims; study the use of immunity as a defense to claims asserted under the

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1 Maine Tort Claims Act; examine how the application of immunity defenses affects the lives
2 of individuals in Maine, including individuals asserting claims against law enforcement
3 officers and law enforcement officers themselves; and review reforms to qualified
4 immunity initiated in other jurisdictions. The task force is directed to submit a report and
5 any suggested legislation for presentation to the Second Regular Session of the 130th
6 Legislature by December 1, 2021. The Joint Standing Committee on Judiciary may report
7 out legislation related to the report to the Second Regular Session of the 130th Legislature.

8 **FISCAL NOTE REQUIRED**

9 (See attached)

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LD 1416

LR 1709(02)

An Act To Limit Qualified Immunity of Law Enforcement Officers in Maine Civil Rights Act Claims

Fiscal Note for Bill as Amended by Committee Amendment "A" (S. 338)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$2,250 in fiscal year 2021-22. The Legislature's budget for the 2022-2023 biennium includes \$10,000 in fiscal year 2021-22 and \$10,000 in fiscal year 2022-23 for the costs of legislative studies, as well as \$21,260 of balances carried over from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.