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Date: (Filing No. S-)

JUDICIARY

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” 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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1 7. A representative of an organization representing plaintiffs' attorneys, appointed by
2 the President of the Senate;

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

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

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

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

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

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

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

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

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

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

38 **SUMMARY**

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

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)**