



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 214

H.P. 149

House of Representatives, January 27, 2021

An Act To Eliminate Qualified Immunity for Police Officers

Received by the Clerk of the House on January 25, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative EVANGELOS of Friendship.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: HARNETT of Gardiner, MORALES of South Portland, TALBOT ROSS of
Portland, WARREN of Hallowell.

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

2 **Sec. 1. 5 MRSA §4682, sub-§6** is enacted to read:

3 **6. Qualified immunity; civil actions.** Qualified immunity, including the immunity
4 provided by Title 14, section 8103, is not a defense to a civil action brought pursuant to
5 this section when the civil action concerns the actions of a state police officer, as defined
6 in section 17708; a marine patrol officer, as described in Title 12, section 6025; a game
7 warden, as described in Title 12, chapter 905, subchapter 1; a Capitol Police officer
8 appointed pursuant to Title 25, section 2908; a deputy, as defined in Title 30-A, section
9 351; a sheriff elected or appointed pursuant to Title 30-A, section 371-B; a constable, as
10 described in Title 30-A, section 2673; or a police officer appointed by municipal officers
11 pursuant to Title 30-A, section 2671.

12 **SUMMARY**

13 This bill eliminates the ability to assert a defense of qualified immunity for civil actions
14 concerning the actions of state police officers, sheriffs, deputies, constables, municipal police
15 officers, marine patrol officers, game wardens and Capitol Police officers brought under the Maine
16 Civil Rights Act.