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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 804, L.D. 1139, Bill, "An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements"

Amend the bill by striking out all of section 2 and inserting the following:

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

§2674. Aid to other law enforcement agencies

Except as otherwise provided by municipal charter or ordinance, the municipal officers may authorize the chief of police or other designee to request other municipalities to provide police law enforcement officers to assist the requesting municipality. The county commissioners may authorize the sheriff or other designee to request a municipality to provide law enforcement officers to assist the requesting county. The municipal officers may authorize the chief of police or other designee to provide police law enforcement officers to assist other municipalities or counties when so requested by a properly authorized chief of police, sheriff or other designee of the requesting municipality or county.

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

If the request for assistance is for a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality or county and when delay may cause further jeopardy to life or property or in the case of jointly planned collaborative activity, the police chief of any municipality or sheriff of any county or the chief's or sheriff's designee may request assistance from or provide assistance to another municipality or law enforcement agency whether or not an agreement between the 2 municipalities or parties exists. Each police law enforcement department shall assume its

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1 own liability to a 3rd party, except for liability incurred by the command or operational  
2 decisions made by the requesting department, which must be assumed by the requesting  
3 department. For the purposes of this paragraph, "major unplanned incident" means an  
4 extraordinary emergency to which a law enforcement agency is unable to adequately  
5 respond that presents a substantial and imminent danger to the public safety and that  
6 necessitates the cooperation or assistance of other law enforcement agencies.

7 The ~~police~~ law enforcement officers of the responding municipality or county or law  
8 enforcement agency have the same authority as ~~police~~ law enforcement officers within  
9 the limits of the requesting municipality or county, except as to the service of civil  
10 process, and, when assisting other municipalities, have the same privileges and  
11 immunities as when acting within their own jurisdiction.'

## 12 SUMMARY

13 This amendment adds to the bill to provide that county commissioners may authorize  
14 the sheriff or other designee to request that a municipality provide law enforcement  
15 officers to assist the requesting county and that municipal law enforcement officers may  
16 be authorized to assist a requesting county. The amendment also provides that the  
17 authorization from the county commissioners must be accompanied by an agreement  
18 between the requesting municipality or county and the responding municipality or county  
19 that specifies who is liable if any liability exists for personal injury or property damage  
20 caused by or occurring to the law enforcement officers. The amendment also provides  
21 that the sheriff or a sheriff's designee may request assistance from or provide assistance to  
22 a municipality or law enforcement agency whether or not an agreement between the 2  
23 parties exists if the request is for assistance in a major unplanned incident that jeopardizes  
24 the health and welfare of the citizens of the requesting municipality or county.