



**Maine Chiefs of Police Association**  
P.O. Box 264 – Oakland, Maine 04963-0264

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**Chief Jason Moen - President**

Chief Michael D. Tracy (Ret.), Executive Director, Tel: (207) 838-6583  
email: [mcopa@maine.rr.com](mailto:mcopa@maine.rr.com) Web site: [www.mainechiefs.com](http://www.mainechiefs.com)

**Statement in opposition to**

**L.D. 1660, An Act Creating a Private Right of Action Against a Government Employer**

**Joint Standing Committee on Judiciary**

**April 28, 2025**

Senator Carney, Representative Kuhn, and honorable members of the Judiciary Committee. My name is Jason Moen. I am Chief of the Auburn Police Department, and President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association in opposition to LD 1660.

The mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

This bill creates a private right of action for a person against a government employer for an injury caused by an act or omission of a government employee that constituted a violation of another person's rights under the United States or Maine Constitution. The bill, among other things, would eliminate qualified immunity, which would have a severe and adverse effect on recruiting and retention in law enforcement.

Qualified immunity protects officers from personal liability unless they violate clearly established constitutional rights. It doesn't protect officers who break the law — it protects those acting in good faith under complex, high-pressure conditions.

I have outlined below multiple examples of the negative effects that eliminating qualified immunity would have on the recruitment and retention of law enforcement officers.

**Increased Personal Risk**

Governmental agencies could be sued for split-second decisions made on the job. Even if officers acted reasonably, they could face years of costly legal battles. This would make the profession financially and emotionally riskier.

**Deterrent to New Recruits**

Potential recruits — especially thoughtful, capable individuals who weigh risks carefully — might decide not to enter law enforcement at all. They could choose safer public service jobs that don't carry the same liability.

**Loss of Experienced Officers**

Current officers might retire early, leave for private-sector security jobs, or move to jurisdictions that offer better protections. Departments would lose experienced officers, creating leadership gaps and weakening institutional knowledge.

**Lower Standards and Higher Turnover**

With fewer applicants and more departures, agencies may be forced to lower hiring standards just to fill positions. High turnover also disrupts training pipelines, community trust, and operational effectiveness.

**Impact on Morale and Decision-Making**

Officers fearing lawsuits for their actions, no matter how reasonable or good faith efforts, may hesitate in critical moments, leading to either under-enforcement or second-guessing during dangerous situations. It hurts public safety when officers are too worried about legal consequences to act decisively.

In short, eliminating qualified immunity will make the job of law enforcement too risky to attract and retain quality candidates, leading to a force that is smaller, less experienced, and less effective — exactly the opposite of what communities need.

For these reasons, the Maine Chiefs of Police Association asks that the committee oppose the passage of this legislation and vote ought not to pass on LD 1660.