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Testimony of Rep. David Boyer introducing

LD 1660, An Act Creating a Private Right of Action Against a Government Employer.

Before the Joint Standing Committee on Judiciary

April 28, 2025

Senator Carney, Representative Kuhn, and esteemed members of the Judiciary Committee, my name is Rep. David Boyer, and I am proud to present LD 1660, *An Act Creating a Private Right of Action Against a Government Employer*.

This legislation ensures that government employers are held accountable when their employees violate the constitutional rights of the individuals they serve. If citizens must follow the law, state and local public officials must follow the state and U.S. Constitutions.

This bill establishes that public employers—not individual employees—are liable for constitutional violations committed by their staff within the scope of employment. It mirrors the legal principle of *respondeat superior*, which holds private employers accountable for their employees' actions. If private employers are responsible for their employees' conduct, why should government employers be any different?

By holding government employers accountable, this bill encourages them to take responsibility for their employees and motivates them to implement measures that prevent constitutional violations.

By focusing on the employer and not the employee, public employees are protected from undue personal liability while upholding the constitutional rights of Mainers. The legislation deters baseless lawsuits and ensures that public employees can perform their duties without fear of financial risk.

Additionally, this may be an opportune moment to revisit last session's work on government profiling. While profiling is now prohibited for law enforcement officers and agencies, violations are not enforceable under Chapter 337-B.

Instead, they may only serve as the basis for disciplinary proceedings by the Board of Trustees of the Maine Criminal Justice Academy. Profiling can violate the 14th Amendment, and public employers should be held accountable if such violations occur.

This bill provides a mechanism to address these issues more effectively.

In closing, this bill is a well-considered and necessary step toward ensuring that government employers answer for constitutional violations committed by their employees. It balances accountability with protections for public servants and includes safeguards against misuse of the legal system.

By passing this legislation, Maine will reaffirm its commitment to the rule of law and the defense of individual liberties. I respectfully urge the committee to support this bill and help build a more just and accountable future for all Mainers.

Thank you for your time and consideration.