



INSTITUTE FOR JUSTICE

April 28, 2025

Committee on Judiciary
Maine Legislature
State House, Room 438
2 State House Station,
Augusta, Maine, 04333

Re: Testimony before the Committee on Judiciary in support of LD 1660

Chair Carney, Chair Kuhn, and Members of the Committee:

My name is Samuel Hooper, and I serve as Legislative Counsel for the Institute for Justice (IJ), a nonprofit public interest law firm dedicated to protecting constitutional rights and ensuring government accountability. I submit this testimony in strong support of LD 1660, “An Act Creating a Private Right of Action Against a Government Employer.”

At its core, LD 1660 reaffirms a fundamental principle of American law: where there is a right, there must be a remedy. When a government employee violates an individual’s constitutional rights, the government should be held responsible. This bill creates a clear, fair path for citizens to seek redress by allowing lawsuits against the government employer itself, rather than the individual employee, and by ensuring that outdated doctrines like qualified immunity do not block access to justice.

Importantly, LD 1660 strikes a careful balance. By channeling liability to the government employer — rather than individual employees — the bill protects public servants from personal financial ruin while maintaining meaningful accountability for constitutional violations. It also upholds protections for judicial and legislative functions, preserving necessary immunities in those specific contexts.

This approach mirrors model legislation supported by the Institute for Justice and other national advocates for government accountability. It follows a growing national recognition that doctrines like qualified immunity have strayed from the basic constitutional promise that rights must be enforceable. Courts across the country have lamented how difficult it has become for victims of government misconduct to find a remedy. LD 1660 offers Maine an opportunity to lead by example and restore the foundational American idea that no one is above the law — especially the government.

Additionally, the bill’s guarantee of attorney’s fees for prevailing plaintiffs ensures that Mainers of modest means will have real access to justice. Without this provision, constitutional rights could become hollow for all but the wealthiest few.

In sum, LD 1660 restores the proper constitutional balance: it protects the rights of individuals, respects the role of government employees, and ensures that the government itself remains answerable to the people it serves. For these reasons, I urge the Committee to support and advance this important bill.



INSTITUTE FOR JUSTICE

Sincerely,

Samuel Hooper
Legislative Counsel
Institute for Justice
Telephone: (512) 569-6343
shooper@ij.org | www.ij.org