



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 573

S.P. 165

In Senate, February 15, 2011

### An Act To Protect the Civil Rights of Citizens

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Reference to the Committee on Judiciary suggested and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator SNOWE-MELLO of Androscoggin.  
Cosponsored by Representatives: O'CONNOR of Berwick, SIROCKI of Scarborough,  
WATERHOUSE of Bridgton.

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

2 **Sec. 1. 5 MRSA §4686** is enacted to read:

3 **§4686. Deprivation of rights**

4 Notwithstanding the provisions of Title 14, section 8103, a person who under color of  
5 a statute, ordinance, rule, regulation, custom or usage of the State or political subdivision  
6 of the State subjects another person to the deprivation of any right, privilege or immunity  
7 secured by the Constitution of Maine is liable to the party injured in an action at law, suit  
8 in equity or other proper proceeding for redress. This section does not apply to injunctive  
9 relief in an action brought against a judicial officer for an act or omission taken in the  
10 officer's judicial capacity unless a declaratory decree was violated or declaratory relief  
11 was unavailable.

12 **SUMMARY**

13 This bill mirrors federal law in allowing a person to bring a civil action for a violation  
14 of the person's constitutional rights against a person acting under the color of a statute,  
15 ordinance, rule, regulation, custom or usage of the State or a political subdivision of the  
16 State.