

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2176

S.P. 881

In Senate, January 27, 2026

An Act to Create a Right to Judicial Review Under the Maine Civil Rights Act for Persons Erroneously Detained

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "DAREK M. GRANT".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DUSON of Cumberland.

Cosponsored by Representative SATO of Gorham and

Senators: BAILEY of York, CARNEY of Cumberland, LAWRENCE of York,

Representatives: DHALAC of South Portland, GATTINE of Westbrook, LEE of Auburn,

RANA of Bangor, SINCLAIR of Bath.

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

2 **Sec. 1. 5 MRSA §4681, sub-§1, ¶A**, as enacted by PL 2023, c. 287, §1, is amended
3 to read:

4 A. Violates section 4684-B; or

5 **Sec. 2. 5 MRSA §4681, sub-§1, ¶B**, as enacted by PL 2023, c. 287, §1, is amended
6 by amending subparagraph (5) to read:

7 (5) Engaging in any conduct that would cause a reasonable person to suffer
8 emotional distress or to fear death or bodily injury to that person or to a close
9 relation. For purposes of this subparagraph, "close relation" and "emotional
10 distress" have the same meanings as in Title 17-A, section 210-A, subsection 2,
11 paragraph B and paragraph D, respectively; or

12 **Sec. 3. 5 MRSA §4681, sub-§1, ¶C** is enacted to read:

13 C. Unlawfully deprives another person of personal liberty when the Supreme Judicial
14 Court or Superior Court enters a judgment issuing a writ of habeas corpus pursuant to
15 Title 14, section 5514.

16 **Sec. 4. 5 MRSA §4682, sub-§1-A, ¶A**, as enacted by PL 2023, c. 287, §2, is
17 amended to read:

18 A. Violates section 4684-B; or

19 **Sec. 5. 5 MRSA §4682, sub-§1-A, ¶B**, as enacted by PL 2023, c. 287, §2, is
20 amended by amending subparagraph (5) to read:

21 (5) Engaging in any conduct that would cause a reasonable person to suffer
22 emotional distress or to fear death or bodily injury to that person or to a close
23 relation. For purposes of this subparagraph, "close relation" and "emotional
24 distress" have the same meanings as in Title 17-A, section 210-A, subsection 2,
25 paragraph B and paragraph D, respectively; or

26 **Sec. 6. 5 MRSA §4682, sub-§1-A, ¶C** is enacted to read:

27 C. Unlawfully deprives another person of personal liberty when the Supreme Judicial
28 Court or Superior Court enters a judgment issuing a writ of habeas corpus pursuant to
29 Title 14, section 5514.

30 **Sec. 7. 5 MRSA §4684-D** is enacted to read:

31 **§4684-D. Right of habeas corpus**

32 For purposes of this chapter, it is a violation of this chapter for a person to deprive
33 another person of personal liberty. A judgment issuing a writ of habeas corpus pursuant to
34 Title 14, section 5514 creates a presumption that the aggrieved person has been deprived
35 of personal liberty.

36 **Sec. 8. 14 MRSA §5538, first ¶** is amended to read:

37 No A penalty established by this chapter shall does not bar any action at common law
38 for damages for false imprisonment or for damages related to a writ of habeas corpus
39 pursuant to the Maine Civil Rights Act.

SUMMARY

2 This bill clarifies that a writ of habeas corpus creates a presumption that a person has
3 been deprived of that person's personal liberty under the Maine Civil Rights Act. The bill
4 also authorizes the Attorney General to bring a civil action if a person unlawfully deprives
5 another person of personal liberty when the Supreme Judicial Court or Superior Court
6 issues a writ of habeas corpus. Finally, the bill clarifies that there is no bar on any action
7 for damages involving a writ of habeas corpus or for damages related to a writ of habeas
8 corpus pursuant to the Maine Civil Rights Act.