

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2026

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Legislative Document

No. 2176

S.P. 881

In Senate, January 27, 2026

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

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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, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

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.

1 **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.