

MAINE STATE LEGISLATURE

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(NEW TITLE)
NEW DRAFT "B" OF: H. P. 1050, L. D. 1384

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1593

House of Representatives, June 12, 1969
Reported by report "B" (4 members) of the Committee on State Govern-
ment. Printed under Joint Rule No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Creating a Human Rights Act for Maine.

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

R. S., T. 5, part 9, additional. Title 5 of the Revised Statutes is amended
by adding a new part 9, to read as follows:

PART 9

HUMAN RIGHTS

CHAPTER 313

HUMAN RIGHTS ACT

SUBCHAPTER I

GENERAL PROVISIONS

§ 4551. Title

This Act may be known and cited as the Maine Human Rights Act.

§ 4552. Purpose

The people of the State of Maine recognize that the inherent dignity and the equal inalienable rights of all members of the human family are the foundation of freedom, justice and peace in our State. Disregard and contempt for human rights in our time resulted in barbarous and violent acts which have outraged the conscience of mankind, and the advent of a world in which human rights and dignity are protected is a major aspiration of our people.

The practice or policy of discrimination against individuals or groups, by reason of their race, color, religion, ancestry or national origin, is contrary to the history and traditions of the State of Maine. When it occurs, such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the State and undermines the foundation upon which a free democratic state rests. The denial of equal opportunity for housing because of such discrimination compels many individuals to live in dwellings which are substandard, unhealthful and overcrowded, tending to result in racial segregation in public schools and other community facilities, juvenile delinquency and other evils, thereby threatening the peace, health, safety and general welfare of the State. The denial of equal access to public accommodations, by reason of such discrimination, is contrary to the tradition of public accommodations, implies the superiority of some groups and the inferiority of others, thus setting group against group and fomenting domestic unrest and strife, thereby threatening the peace, health and welfare of the State. The denial of equal opportunities for employment, because of such discrimination and because of age discrimination, and the consequent failure to use the productive capacities of individuals to the fullest extent, deprives the victims of such discrimination of the earnings necessary to maintain a decent standard of living, necessitates their report to public relief, and intensifies group conflict, thereby resulting in grave injury to the public health and welfare.

The experience of our sister states establishes that once patterns of discrimination in employment, housing or public accommodations become established in a community, they are difficult to reverse and break down. Legislation is required to prevent the establishment of such patterns of discrimination and to eliminate such discrimination where it now exists.

It is also apparent that there are numerous practices which infringe on the basic human right to a life with dignity, but which do not take the form of overt acts of discrimination. Such practices similarly threaten the peace and welfare of the State. It is essential that all people in our State know that human rights are protected by the rule of law, so that no persons or groups may feel called upon to resort to violence for the protection of such rights.

§ 4553. Policy

To protect the public health, safety and welfare, it is therefore declared to be the policy of this State to keep continually in review all practices infringing on the basic human rights to a life with dignity, and the causes of such practices so that corrective measures may, where possible, be promptly recommended and implemented and to prevent discrimination in employment, housing or access to public accommodations, on account of race, color, religion, ancestry or national origin, and in employment, discrimination on account of age.

§ 4554. Definitions

As used in this Act, unless the context otherwise indicates, the following words shall have the following meanings:

1. Commission. "Commission" means the Maine Human Rights Commission established by this Act.

2. Discriminate. "Discriminate" includes, without limitation, segregate or separate.

3. Employee. "Employee" does not include any individual employed by his parents, spouse or child.

4. Employer. "Employer" includes any person in this State employing any number of employees, whatever the place of employment of such employees, and any person outside this State employing any number of employees whose usual place of employment is in this State, and includes any person acting in the interest of an employer directly or indirectly, does not include a religious, fraternal or sectarian corporation or association, not organized for private profit and is in fact not conducted for private profit, with its respect to employment of members of the same religion, sect or fraternity membership; but includes labor organizations, whether or not organized on a religious, fraternal or sectarian basis, with respect to their employment of employees.

5. Employment agency. "Employment agency" includes any person undertaking with or without compensation to procure opportunities to work, or to procure, recruit, refer or place employees; it includes, without limitation, placement services, training schools and centers, and labor organizations, to the extent that they act as employee referral sources; and it includes any agent of such person.

6. Housing accommodation. "Housing accommodation" includes any building or structure or portion thereof, or any parcel of land, developed or undeveloped, which is occupied, or is intended to be occupied or to be developed for occupancy, for residential purposes excepting:

A. Two-family dwellings. The rental of a one-family unit of a 2-family dwelling, one unit of which is occupied by the owner;

B. One-family dwellings. The rental of not more than 4 rooms of a one-family dwelling which is occupied by the owner.

7. Person. "Person" includes one or more individuals, partnerships, associations, organizations, corporations, municipal corporations, legal representatives, trustees, trustees in bankruptcy, receivers and other legal representatives, and includes the State and all agencies thereof.

8. Place of public accommodation. "Place of public accommodation" means any establishment which in fact caters to, or offers its goods, facilities or services to, or solicits or accepts patronage from, the general public; and it includes, but is not limited to: Inns, taverns, roadhouses, hotels, whether conducted for the entertainment or accommodation of transient guests or of those seeking health, recreation or rest, restaurant, eating houses or any place where food is sold for consumption on the premises; buffets, saloons, bar rooms or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores

where beverages of any kind are retailed for consumption on the premises; retail stores and establishments; dispensaries, clinics, hospitals, rest rooms, bath houses, barber shops, beauty parlors, theatres, motion picture houses, music halls, airdromes, roof gardens, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, seashore accommodations and boardwalks, public libraries, garages and gasoline stations; all public conveyances operated on land, water or in the air as well as the stations and terminals thereof; public halls and public elevators of buildings occupied by 2 or more tenants or by the owner and one or more tenants; and public housing projects.

9. Real estate broker and salesman. "Real estate broker" and "real estate salesman" have the same definitions as are given respectively in Title 32, section 4001, subsections 2 and 3; but include all persons meeting those definitions, whether or not they are licensed from the operation of the last paragraph of Title 32, section 4001.

10. Unlawful discrimination. "Unlawful discrimination" includes:

A. Unlawful employment discrimination as defined and limited by subchapter III;

B. Unlawful housing discrimination as defined and limited by subchapter IV;

C. Unlawful public accommodations discrimination as defined by subchapter V;

D. Aiding, abetting, inciting, compelling or coercing another to do any of such types of unlawful discrimination; obstructing or preventing any person from complying with this Act or any order issued hereunder; attempting to do any act of unlawful discrimination; and punishing or penalizing, or attempting to punish or penalize, any person for seeking to exercise any of the civil rights declared by this Act or for complaining of a violation of this Act or for testifying in any proceeding brought hereunder; and

E. Any of the types of unlawful discrimination enumerated in paragraphs A to D, if committed by an agent or employee in the apparent or colorable scope of his duties, shall also constitute unlawful discrimination by his principal or employer, unless such principal or employer affirmatively proves that he did not know of and could not reasonably be expected to know of such conduct by the agent or employee, and further proves that before such discrimination occurred he in good faith issued instructions against such conduct, and that since learning of it he has taken or will take appropriate disciplinary measures for violation of such instructions.

SUBCHAPTER II

COMMISSION

§ 456I. Members

There is established an independent commission to be known as the "Maine Human Rights Commission." It shall consist of a total of 5 members ap-

pointed by the Governor who shall designate one member to be its chairman.

In appointing members of the commission, the Governor shall take into account the desirability of securing broad representation from the geographic areas and ethnic and economic groups which comprise the population of the State.

§ 4562. Terms of office

The members of the commission shall be appointed for terms of 5 years each, except that of those first appointed, the Governor shall designate one whose term shall be only one year, one whose term shall be only 2 years, one whose term shall be only 3 years and one whose term shall be only 4 years.

A member of the commission appointed to fill a vacancy occurring otherwise than by expiration of term shall be appointed only for the unexpired term of the member whom he shall succeed.

§ 4563. Quorum

Three members of the commission shall constitute a quorum. A vacancy in the commission shall not impair the power of the remaining members to exercise all the powers of the commission.

§ 4564. Compensation; reappointment

Each member of the commission shall receive compensation of \$25 for each day or part thereof necessarily spent in the discharge of his official duties, with a maximum of \$1,000 a year, and shall be entitled to his expenses actually and necessarily incurred by him in the performance of his duties. All members of the commission shall be eligible for reappointment.

§ 4565. Removal from office

Any member of the commission may be removed by the Governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard publicly thereon, with right of cross-examination, before the Executive Council. Such removal shall be effective only if 2/3 of the Executive Council concurs therein after such hearing.

§ 4566. Powers and duties of the commission

The commission has the duty of investigating all conditions and practices within the State which allegedly detract from the enjoyment, by each inhabitant of the State, of full human rights and personal dignity. Without limiting the generality of the foregoing, it has the duty of investigating all forms of invidious discrimination, whether carried out legally or illegally, and whether by public agencies or private persons. Based on its investigations, it has the further duty to recommend measures calculated to promote the full enjoyment of human rights and personal dignity by all the inhabitants of this State.

To carry out these duties, the commission shall have the power:

1. **Office.** To establish and maintain a principal office in the City of Bangor or Portland, and such other offices within the State as it may deem necessary;

2. **Meetings.** To meet and function at any place within the State;

3. **Executive Secretary.** To appoint a full-time executive secretary to the commission and determine his remuneration; and to appoint such other personnel including, but not limited to investigators, attorneys and secretaries, as it shall deem necessary to effectuate the purposes of this Act, and to determine their compensation;

4. **Hearings.** To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and, in connection therewith, to require the production for examination of any books and papers relating to any matter under investigation or in question before the commission; there shall be no executive privilege in such investigations and hearings. Such hearings and testimony may relate to general investigations concerning the effectiveness of this Act and the existence of practices of discrimination not prohibited by it, as well as to investigations of other alleged infringements upon human rights and personal dignity. The commission may make rules as to the issuance of subpoenas, the administration of oaths, and the holding of preliminary and general investigations by panels of commissioners and by the executive secretary. Contumacy or refusal to obey a subpoena or subpoena duces tecum issued pursuant to this section shall constitute a contempt punishable, upon the application of the commission, by the Superior Court in the county in which the hearing is held or in which the witness resides or transacts business;

5. **Services.** To utilize voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed;

6. **Advisory groups.** To create such advisory agencies and conciliation councils, local or statewide, as will aid in effectuating the purposes of this Act. The commission may itself, or it may empower these agencies and councils to study the problems of discrimination in all or specific fields of human relationships when based on race or color, religion or country of ancestral origin, and foster, through community effort or otherwise, good will among the groups and elements of the population of the State. Such agencies and councils may make recommendations to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses;

7. **Publications.** To issue such publications and such results of investigations and research as in its judgment will tend to promote good will, and minimize or eliminate discrimination based on race or color, religion or country of ancestral origin;

8. **Reports.** From time to time, but not less than once a year, to report to the Legislature and the Governor, describing the investigations, proceedings and hearings the commission has conducted and their outcome and the

other work performed by it, and make recommendations for such further legislation or executive action concerning abuses and discrimination based on race or color, religion or country of ancestral origin, or other infringements on human rights or personal dignity, as may be desirable;

9. Educational program. In order to eliminate prejudice among the various ethnic groups in this State and to further good will among such groups and to advance the realization of human rights and personal dignity, the commission and the Department of Education are jointly directed to prepare a comprehensive educational program designed for the students of the public schools of this State and all other residents thereof, calculated to emphasize the contributions of minority groups to American history and development, and to explain the nature and origin of prejudice and its incompatibility with American principles of equality and fair play;

10. Contributions. The commission is authorized to accept contributions from any person to assist in the effectuation of subsection 9 and may seek and enlist the cooperation of private charitable, religious, civic and benevolent organizations for the purposes of subsection 9.

SUBCHAPTER III

FAIR EMPLOYMENT

§ 4571. Right to freedom from discrimination in employment

The opportunity for an individual to secure employment without discrimination because of race, color, religious creed, age, ancestry or national origin is recognized as and declared to be a civil right.

§ 4572. Unlawful employment discrimination

1. Unlawful employment. It shall be unlawful employment discrimination, in violation of this Act:

A. For any employer to fail or refuse to hire or otherwise discriminate against any applicant for employment because of his race or color, religion, country of ancestral origin or age, or because of any such reason, to discharge an employee or discriminate against him with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, or any other matter directly or indirectly related to employment, or in the recruiting of individuals for employment or in hiring them, to utilize any employment agency which such employer knows, or has reasonable cause to know, discriminates against individuals because of their race or color, religion or country of ancestral origin;

B. For any employment agency to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of his race or color, religion or country of ancestral origin or to comply with an employer's request for the referral of job applicants if such request indicates either directly or indirectly that such employer will not afford full and equal employment opportunities to individuals regardless of their race or color, religion or country of ancestral origin;

C. For any labor organization to exclude from apprenticeship or membership, or to deny full and equal membership rights, to any applicant for membership, because of his race or color, religion or country of ancestral origin, or because of any such reason, to deny a member full and equal membership rights, expel him from membership, penalize him or otherwise discriminate in any manner against him with respect to his hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, representation, grievances or any other matter directly or indirectly related to membership or employment, whether or not authorized or required by the constitution or bylaws of such labor organization or by a collective labor agreement or other contract, or to fail or refuse to classify property or refer for employment, or otherwise to discriminate against any member because of his race or color, religion or country of ancestral origin, or to cause or attempt to cause an employer to discriminate against an individual in violation of this section;

D. Except where based on a bona-fide occupational disqualification for any employer or employment agency or labor organization prior to employment or admission to membership of any individual, to

(1) Elicit or attempt to elicit any information directly or indirectly pertaining to his race or color, religion or country of ancestral origin;

(2) Make or keep a record of his race or color, religion or country of ancestral origin;

(3) Use any form of application for employment, or personnel or membership blank containing questions or entries directly or indirectly pertaining to race or color, religion or country of ancestral origin;

(4) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race or color, religion or country of ancestral origin;

(5) Establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, religion or country of ancestral origin of such group;

E. For an employer or employment agency or labor organization to discriminate in any manner against any individual because he has opposed any practice which would be a violation of this Act, or because he has made a charge, testified or assisted in any manner in any investigation, proceeding or hearing under this Act.

§ 4573. Not unlawful employment discrimination

It shall not be unlawful employment discrimination, after employment or admission to membership, to make a record of such physical features of an individual as are needed in good faith for the purpose of identifying him, provided such record is intended and used in good faith solely for such

identification, and not for the purpose of discrimination in violation of this Act.

SUBCHAPTER IV FAIR HOUSING

§ 4581 Decent housing

The opportunity for an individual to secure decent housing in accordance with his ability to pay, and without discrimination because of race, color, religious creed, ancestry or national origin is hereby recognized as and declared to be a civil right.

§ 4582. Unlawful housing discrimination

It shall be unlawful housing discrimination, in violation of this Act:

For any owner, lessee, sublessee, managing agent or other person having the right to sell, rent, lease or manage a housing accommodation, or any agent of these to make or cause to be made any written or oral inquiry concerning the race or color, religion or country of ancestral origin of any prospective purchaser, occupant or tenant of such housing accommodations; or to refuse to show or refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual such housing accommodation because of the race or color, religion or country of ancestral origin of such individual; or to issue any advertisement relating to the sale, rental or lease of such housing accommodation which indicates any preference, limitation, specification or discrimination based upon race or color, religion or country of ancestral origin; or to discriminate against any individual because of his race or color, religion, or country of ancestral origin in the price, terms, conditions or privileges of the sale, rental or lease of any such housing accommodations or in the furnishing of facilities or services in connection therewith, or to evict or attempt to evict any tenant of any housing accommodation because of the race or color, religion, or country of ancestral origin of such tenant.

For any real estate broker or real estate salesman, or agent of one of them, to fail or refuse to show any applicant for a housing accommodation any such accommodation listed with him for sale, lease or rental, because of the race or color, religion or country of ancestral origin of such applicant or of any intended occupant of such accommodation, or to misrepresent, for the purpose of discriminating on account of the race or color, religion or country of ancestral origin of such applicant or intended occupant, the availability or asking price of a housing accommodation listed with him for sale, lease or rental; or for such a reason to fail to communicate to the person having the right to sell or lease such housing accommodation any offer for the same made by any applicant thereof; or in any other manner to discriminate against any applicant for housing because of race or color, religion or country of ancestral origin of such applicant or of any intended occupant of the housing accommodation, or to make or cause to be made any written or oral inquiry or record concerning the race or color, religion or country of ancestral origin of any such applicant or intended occupant, or to accept for list-

ing any housing accommodation when the person having the right to sell or lease the same has directly or indirectly indicated an intention of discriminating among prospective tenants or purchasers on the ground of their race or color, religion or country of ancestral origin, or when he knows or has reason to know that the person having the right to sell or lease such housing accommodation has made a practice of such discrimination since the effective date of this Act.

For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured, or agent of such person, to make or cause to be made any oral or written inquiry concerning the race or color, religion or country of ancestral origin of any individual seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodations; or to discriminate in the granting of such financial assistance, or in the terms, conditions, or privileges relating to the obtaining or use of any such financial assistance, against any applicant because of the race or color, religion or country of ancestral origin of such applicant or of the existing or prospective occupants or tenants, unless otherwise provided in section 4554, subsection 6.

§ 4583. Application

Nothing in this Act shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease or manage a housing accommodation to specifications in the selling, renting, leasing or letting thereof or in the furnishings of facilities or services in connection therewith which are not based on the race, color, religion or country of ancestral origin of any prospective purchaser, lessee, tenant or occupant thereof. Nothing in this Act contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for or offering financial assistance in the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations, to set standards and preferences, terms, conditions, limitations or specifications for the granting of such loans or financial assistance which are not based on the race, color, religion or country of origin of the applicant for such loan or financial assistance or, of any existing or prospective owner, lessee, tenant or occupant of such housing accommodation.

SUBCHAPTER V

PUBLIC ACCOMMODATIONS

§ 4591. Equal access to public accommodations

The opportunity for every individual to have equal access to places of public accommodation without discrimination because of race, color, religious creed, ancestry or national origin is recognized as and declared to be a civil right.

§ 4592. Unlawful public accommodations

It shall be unlawful public accommodations discrimination, in violation of this Act:

For any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, to directly or indirectly refuse, withhold from or deny to any person, on account of race or color, religion or country of ancestral origin, any of the accommodations, advantages, facilities or privileges of such place of public accommodation, or for such reason in any manner discriminate against any person in the price, terms or conditions upon which access to such accommodation, advantages, facilities and privileges may depend.

For any person to directly or indirectly publish, circulate, issue, display, post or mail any written, printed, painted or broadcast communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any place of public accommodation shall be refused, withheld from or denied to any person on account of race or color, religion or country or ancestral origin, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race or color, religion or country of ancestral origin is unwelcome, objectionable or not acceptable, desired or solicited, or that the clientele thereof is restricted to members of particular races or colors, religions or countries of ancestral origin. The production of any such written, printed, painted or broadcast communication, notice or advertisement, purporting to relate to any such place shall be presumptive evidence in any action that the same was authorized by its owner, manager or proprietor.

SUBCHAPTER VI

LISTS

§ 4607. Lists

When any judgment of the Superior Court finding that there was unlawful employment discrimination becomes final such fact shall forthwith be certified by the clerk of courts, to:

1. The State Purchasing Agent
2. The State Controller
3. The State Director of Public Improvements
4. The State Highway Commission

which said agencies shall each maintain an alphabetical list of all persons found to have engaged in unlawful employment discrimination; but such lists shall exclude persons as to whom the most recent such finding was more than 5 calendar years in the past.

It shall be unlawful to grant any contract permitting or requiring the payment of state funds, or funds over which the State has control, to any person who has within the preceding 5 years been finally found to have engaged in unlawful employment discrimination. Any such contract shall be illegal

and void. This paragraph shall not apply if the State Purchasing Agent certifies that there is no other person, within or without the State, who can supply the needed goods or services, and if the contract is approved by the Governor and Council.

As to any contract granted by the State or agency thereof after the effective date of this Act, if the other party thereto is finally found to have engaged in unlawful employment discrimination: Such contract shall forthwith terminate and be null and void, and no further payments shall be made on account thereof for goods or services thereafter rendered.

This paragraph shall not apply if and to the extent that the State Purchasing Agent certifies that the contract cannot be completed by some other person, or that the State would incur great additional expense in having the contract completed by another person, and if and to the extent that the Governor and Council approve the completion of all or a part of the contract by the original contracting party.

No person holding a contract with the State or any agency thereof may directly or indirectly employ, as a subcontractor, a person who has within the preceding 5 years been finally found to have engaged in unlawful employment discrimination, or who, to the actual knowledge of the contractor, is then engaging in unlawful employment discrimination.

Upon proof establishing that a contractor knowingly employed such a person, directly or indirectly, or that he knowingly caused or permitted payment to such a person of any funds traceable to the State or over which the State had control, the State may recover the sum or sums so paid to such persons by deduction from the balance of the contract price or, if there be no such balance of the contract price, in an action in debt, which may be upon the contractor's bond, if any. The state officers and agencies listed in the first paragraph shall deliver to contractors a current list of persons against whom there have been findings of unlawful employment discrimination; and proof of receipt by a contractor of such a list showing the ineligibility of a person to receive state contracts shall establish that any subsequent contract with or payment to him, direct or indirect, was made with knowledge of such person's ineligibility to receive the same.

SUBCHAPTER VII

CIVIL ACTIONS BY AGGRIEVED PERSONS

§ 4611. Civil action

At any time within 6 months after an alleged act of unlawful discrimination, a person claiming to be the victim of such discrimination may file a civil action in the Superior Court against the person or persons who committed such act of unlawful discrimination.

§ 4612. Procedure

Such civil action shall be given priority over other civil cases; unless the Court finds irreparable injury would result if the case were not expedited.

§ 4613. Orders and relief

In such a civil action, the court may enter any orders and grant any relief as justice and equity may require, including the issuance of temporary restraining orders and temporary injunctions. Its final order may include compensatory and exemplary damages and reasonable attorney's fees. In any such action based on alleged unlawful housing discrimination by a failure or refusal to sell real estate or a failure or refusal to show real estate which is for sale, at any time after the commencement thereof the clerk of the court, at the request of any party, shall issue his certificate concerning the pendency of the action and describing the real estate involved therein; such certificate shall be recorded by the register of deeds of the county where such real estate is located; and after the recording thereof, every purchaser or encumbrancer of such real estate shall take his interest subject to the rights, if any, of the victim of the alleged unlawful housing discrimination, as they may be finally determined by the courts. Where the victim of alleged unlawful housing discrimination has not acquired substitute housing, temporary injunctions against the sale or rental to others of the housing accommodation as to which the violation allegedly occurred, and against the sale or rental of other housing accommodations controlled by the alleged violator, shall be liberally granted in the interests of furthering the purposes of this Act, when it appears probable that the plaintiff will succeed upon final disposition of the case.

SUBCHAPTER VIII**CRIMES****§ 4621. Crimes**

1. List. No person shall:

A. Apply or attempt or threaten to apply economic sanctions, or use or attempt or threaten to use force or violence, for the purpose of inducing another to violate this Act; nor

B. Apply or attempt or threaten to apply economic sanctions, or use or attempt or threaten to use force or violence, for the purpose of inducing another not to exercise any of the civil rights declared and recognized by this Act; nor

C. Apply or attempt or threaten to apply economic sanctions, or use or attempt or threaten to use force or violence, for the purpose of punishing or penalizing another for his compliance with this Act; nor

D. Apply or attempt or threaten to apply economic sanctions, or use or attempt or threaten to use force or violence, for the purpose of punishing or penalizing another for his exercise of any of the civil rights declared and recognized by this Act.

§ 4622. Penalty

Any person found guilty of violating any of the provisions of section 4621 shall be punished by imprisonment for not less than 10 days nor more than 6 months.

Any person found guilty of making a threat of deadly force or serious bodily injury, with an apparent ability to carry out such threat, or, using or attempting to use such force as to create a risk of death or serious bodily injury, in violation of any of the provisions of section 4621 shall be imprisoned for not less than one year nor more than 10 years.

**SUBCHAPTER IX
MISCELLANEOUS**

§ 4631. Burden of proof

In any civil action under this Act, the burden shall be on the person seeking relief to prove, by a fair preponderance of the evidence, that the alleged unlawful discrimination occurred.

Sec. 2. R. S., T. 17, § 1301, repealed. Section 1301 of Title 17 of the Revised Statutes, as amended, is repealed.

Sec. 3. R. S., T. 26, §§ 861 - 864, repealed. Sections 861 to 864 of Title 26 of the Revised Statutes, as enacted by section 47 of chapter 513 of the public laws of 1965, are repealed.

Sec. 4. Appropriation. There is appropriated from the General Fund the sum of \$47,500 for the fiscal year ending June 30, 1970 and the sum of \$65,000 for the fiscal year ending June 30, 1971 to carry out the purposes of this Act. The breakdown shall be as follows:

| | 1969-70 | | 1970-71 |
|--------------------------------------|--------------|--|--------------|
| MAINE HUMAN RIGHTS COMMISSION | | | |
| Personal Services | (7) \$25,000 | | (7) \$35,000 |
| All Other | 18,500 | | 27,000 |
| Capital Expenditures | 4,000 | | 3,000 |
| | \$47,500 | | \$65,000 |