

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 974

6  
7 S.P. 329

In Senate, March 3, 1983

8 Referred to the Committee on Judiciary. Sent down for concurrence and  
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Trafton of Androscoggin.

Cosponsor: Senator Hayes of Penobscot.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Create a State Civil Rights Law.  
18

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

21 Sec. 1. 14 MRSA c. 743 is enacted to read:

22 CHAPTER 743

23 INTERFERENCE WITH CIVIL RIGHTS

24 §8201. Civil action by Attorney General

25 Whenever any person, whether or not acting under  
26 color of law, interferes by threats, intimidation or  
27 coercion, or attempts to interfere by threats,  
28 intimidation or coercion, with the exercise or enjoy-  
29 ment by another person of any right or privilege  
30 secured to him by the Constitution of Maine, or laws  
31 of the State or by the United States Constitution or

1 laws of the United States, the Attorney General may  
2 bring a civil action for injunctive or other appro-  
3 prate equitable relief in order to protect the  
4 peaceable exercise of the right or privilege secured.  
5 The action shall be brought in the name of the State  
6 and shall be instituted either in the Superior Court  
7 for the county in which the conduct complained of  
8 occurred or in the Superior Court for the county in  
9 which the person whose conduct is complained of  
10 resides or has his principal place of business.

11 §8202. Civil action by person aggrieved

12 Any person whose exercise or enjoyment of any  
13 right or privilege secured to him by the Constitution  
14 of Maine or laws of the State or by the United States  
15 Constitution or laws of the United States has been  
16 interfered with, or attempted to be interfered with,  
17 as described in section 8201, may institute and  
18 prosecute in his own name and on his own behalf a  
19 civil action for injunctive and other appropriate  
20 equitable relief as provided in section 8201. Relief  
21 may include an award of compensatory money damages.  
22 The court shall award reasonable attorneys' fees and  
23 costs to any aggrieved person who prevails in an ac-  
24 tion under this section.

25 Sec. 2. 17 MRSA c. 94 is enacted to read:

26 CHAPTER 94

27 VIOLATION OF CIVIL RIGHTS

28 §2931. Violation of civil rights

29 A person is guilty of violating the civil rights  
30 of another person if he, whether or not acting under  
31 color of law, intentionally or knowingly by force or  
32 threat of force injures, intimidates, coerces or  
33 interferes with, or attempts to injure, intimidate,  
34 coerce, or interfere with, or oppresses or threatens  
35 the other person in the free exercise or enjoyment of  
36 any right or privilege secured to him by the Consti-  
37 tution of Maine or laws of the State or by the United  
38 States Constitution or laws of the United States.

39 §2932. Penalty

1 Violation of the civil rights of another person  
2 is a Class B crime if bodily injury results, as de-  
3 defined in Title 17-A, section 2, otherwise, it is a  
4 Class D crime.

5 STATEMENT OF FACT

6 This bill creates a state civil rights law to  
7 provide an expeditious state remedy for violations of  
8 civil rights, and to provide a self-help remedy for  
9 those aggrieved by interference with exercise of  
10 their civil rights. The creation of a state civil  
11 rights act will mean that citizens of Maine will not  
12 have to rely on federal law for protection of their  
13 civil rights. The provisions in this bill are  
14 modeled after the Massachusetts Civil Rights Act and  
15 the Federal Civil Rights Act.

16 Section 1 of the bill provides for civil reme-  
17 dies, including injunctions, for interference with  
18 civil rights. The Attorney General may institute a  
19 civil action to alleviate interference with civil  
20 rights, or an aggrieved person may institute his own  
21 civil action to remedy the wrong. An aggrieved  
22 person may be awarded money damages, along with an  
23 injunction or other civil remedy, to compensate for  
24 the interference with his rights. An aggrieved  
25 person who prevails in his action is also to be  
26 awarded attorneys' fees and costs by the court.

27 Section 2 of the bill creates the crime of vio-  
28 lating the civil rights of another. The crime re-  
29 quires the intentional or knowing use of force or  
30 threats of force in trying to prevent someone from  
31 exercising his civil rights. The offense is a Class  
32 D crime unless bodily injury results, making the  
33 offense a Class B crime.

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