

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1239

6
7 H.P. 882

House of Representatives, April 9, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Baker of Portland.

11
12 STATE OF MAINE
13

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

17 AN ACT Concerning the State Civil Rights Act.
18

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

21 Sec. 1. 5 MRSA §200-H is enacted to read:

22 §200-H. Civil Rights and Liberties Division

23 1. Establishment. The Attorney General shall
24 establish a Civil Rights and Liberties Division, re-
25 ferred to in this section as the "division," within
26 the Department of the Attorney General.

27 2. Violation of constitutional rights; civil ac-
28 tions by Attorney General. Whenever any person or
29 group of persons, whether or not acting under color
30 of law, interferes or attempts to interfere by
31 threats, intimidation or coercion with the exercise
32 or enjoyment by any other person or persons of rights
33 secured by the United States Constitution, laws of
34 the United States, the Constitution of Maine or laws

1 of the State, the Attorney General may bring a civil
2 action in the name of the State for injunctive or
3 other appropriate equitable relief in order to pro-
4 tect the peaceable exercise or enjoyment of the right
5 or rights secured.

6 3. Civil actions by aggrieved persons; costs and
7 fees. Any person whose exercise or enjoyment of
8 rights secured by the United States Constitution,
9 laws of the United States, the Constitution of Maine
10 or laws of the State has been interfered with, or at-
11 tempted to be interfered with, as set out in subsec-
12 tion 2, may bring a civil action in his own name and
13 on his own behalf for injunctive or other appropriate
14 equitable relief in order to protect the peaceable
15 exercise or enjoyment of the right or rights secured,
16 including the award of compensatory money damages.
17 Any aggrieved person who prevails in an action autho-
18 rized by this subsection is entitled to an award of
19 the costs of the litigation and reasonable attorneys'
20 fees in an amount to be fixed by the court.

21 4. Venue. A civil action under this section may
22 be instituted in the Superior Court in the county
23 where:

24 A. The conduct complained of occurred; or

25 B. The person whose conduct complained of re-
26 sides or has his principal place of business.

27 Sec. 2. 17-A MRSA §212 is enacted to read:

28 §212. Violation of constitutional rights

29 1. A person is guilty of violation of constitu-
30 tional rights if, whether or not acting under color
31 of law, he, by force or threat of force, intentional-
32 ly or knowingly injures, intimidates or interferes
33 with, or attempts to injure, intimidate or interfere
34 with, or oppresses or threatens any other person in
35 the free exercise or enjoyment of any right or privi-
36 lege secured to him by the United States Constitu-
37 tion, laws of the United States, the Constitution of
38 Maine or laws of the State.

2. Violation of constitutional rights is a Class D crime, except that if bodily injury results, violation of constitutional rights is a Class B crime.

STATEMENT OF FACT

The purpose of this bill is to establish a civil and criminal cause of action for violation of constitutional rights and establishes a Civil Rights and Liberties Division within the Department of the Attorney General.

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