

L.D. 1787

(Filing No. S-158)

STATE OF MAINE 3 4 SENATE 5 113TH LEGISLATURE 6 FIRST REGULAR SESSION SENATE AMENDMENT "A " to H.P. 1309, L.D. 1787, 7 8 Bill, "AN ACT to Revise the Harassment Law." Amend the bill in section 1, in that part desig-9 nated " $\underline{\$4651}$ ." by striking out all of subsections 3 and 4 (page 2, lines 7 to 25 in L.D.) and inserting 10 11 12 in their place the following: '3. Harassment. "Harassment" means any repeated act of intimidation, harassment, physical force or 13 14 15 threat of physical force whether or not performed under color of law, directed against any person, family 16 or their property or advocate with the intention of causing fear or intimidation or to deter free exer-cise or enjoyment of any rights or privileges secured 17 18 19 20 by the Constitution of Maine and the United States 21 Constitution. This definition does not include any 22 act protected by the constitutional guarantee of free 23 speech. 4. Law enforcement agency. "Law enforcement agency" means the State Police, a sheriff's depart-24 25 ment or a municipal police department. 26 27 Further amend the bill in section 1, in that part designated "§4660." in subsection 1 (page 7, line 38 28 29 in L.D.) by inserting at the end the following: 30 'These incident reports shall contain sufficient in-31 formation to indicate whether the incident was di-32 rected at the victim because of his real or perceived race, color, sex, sexual orientation, ethnic back-33 34 ground, nationality, country of origin, religious belief, age or disability.' 35 36 Further amend the bill in section 2, in that part designated "§2931" by striking out all of the first 37

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SENATE AMENDMENT "A " to H.P. 1309, L.D. 1787

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1 paragraph (page 9, lines 11 to 23 in L.D.) and in-2 serting in its place the following:

3 'No person, whether or not acting under color of 4 law, may by force or threat of force, intentionally 5 injure, intimidate or interfere with, or intentional-6 ly attempt to injure, intimidate or interfere with or 7 intentionally oppress or threaten any other person in 8 the free exercise or enjoyment of any right or privi-9 lege, secured to him by the Constitution of Maine or 10 laws of the State or by the United States Constitu-11 tion or laws of the United States.'

## STATEMENT OF FACT

13 This amendment would prohibit harassment of any person which is intended to cause fear or apprehen-14 15 sion or otherwise infringe on the lawful enjoyment of that person's constitutional and legal rights. Ref-16 17 erences in the original bill which prescribed acts of 18 harassment motivated by race, color, sex, ethnic 19 background, nationality, country of origin, religious 20 belief, age, sexual orientation or disability are de-21 leted. The amendment also expands the incident report requirements of the State Bureau of Investiga-22 tion. The amendment also deletes references to Indi-23 24 an law enforcement agencies.

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26 (Sen. Gauvreau) SPONSORED BY: Man Growneau 27 CPP

28 COUNTY: Androscoggin

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