

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1253

H.P. 896

House of Representatives, April 20, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HOGLUND of Portland.
Cosponsored by Representative DORE of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Prevent, Punish and Remedy Violations of Constitutional
Rights.



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

3 5 MRSA c. 337-B is enacted to read:

5 CHAPTER 337-B

7 CIVIL RIGHTS ACT

9 §4681. Violations of constitutional rights; civil action by
11 Attorney General

13 Whenever any person, whether or not acting under color of
15 law, interferes by threat, intimidation or coercion or attempts
17 to interfere by threat, intimidation or coercion, with the
19 exercise or enjoyment by any other person of rights secured by
21 the United States Constitution or the laws of the United States
23 or of rights secured by the Constitution of Maine or laws of the
25 State, the Attorney General may bring a civil action for
injunctive or other appropriate equitable relief in order to
protect the peaceable exercise or enjoyment of the rights
secured. The civil action shall be brought in the name of the
State and shall be instituted in the Superior Court for the
county either where the alleged violator resides or has a
principal place of business.

27 §4682. Violations of constitutional rights; civil actions by
29 aggrieved persons

31 1. Remedy. Any person whose exercise or enjoyment of
33 rights secured by the United States Constitution or laws of the
35 United States, or of rights secured by the Constitution of Maine
or laws of the State, has been interfered with, or attempted to
be interfered with, as described in section 4681, may institute
and prosecute in that person's own name and on that person's own
behalf a civil action for legal or equitable relief.

37 2. Attorney's fees and cost. Any aggrieved person who
39 prevails in an action authorized by this section shall be
41 entitled to an award of the costs of the litigation and
reasonable attorney's fees in an amount to be fixed by the court.

43 **STATEMENT OF FACT**

45 The purpose of this bill is to provide public and private
47 remedies for private property damage arising from the exercise of
constitutional rights.