MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 612

H.P. 429

House of Representatives, February 13, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative RAND of Portland.

Cosponsored by Senator CONLEY of Cumberland, Representative FARNSWORTH of Hallowell and Representative HOGLUND of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

An Act to Improve the Collection of Data by the State Bureau of Identification.



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- Sec. 1. 5 MRSA §4651, sub-§2, as amended by PL 1987, c. 695, §1, is further amended to read:
- 2. Harassment. "Harassment" means any repeated act of б intimidation, harassment, physical force or threat of physical force directed against any person, family or their property or advocate, motivated either in whole or in part by hostility to real or perceived race, color, sex, ethnic background, 10 nationality, country of origin, religious belief, age, sexual orientation or disability, with the intention of causing fear or 12 intimidation or to deter free exercise or enjoyment of any rights 14 or privileges secured by the Constitution of Maine and the United States Constitution. This definition does not include any act protected by the constitutional guarantee of free speech. 16
- Sec. 2. 17 MRSA §2931, first ¶, as amended by PL 1987, c. 695, §5, is further amended to read:

No person may, by force or threat of force, intentionally injure, intimidate or interfere with, or intentionally attempt to injure, intimidate or interfere with or intentionally oppress or threaten any other person in the free exercise or enjoyment of any right or privilege, secured to him by the Constitution of Maine or laws of the State or by the United States Constitution or laws of the United States, or on the basis of the other person's real or perceived race, color, sex, ethnic background, nationality, country of origin, religious belief, age, sexual orientation or disability.

Sec. 3. 25 MRSA §1544, last ¶, as amended by PL 1987, c. 695, §6, is further amended to read:

The bureau shall establish a category for abuse by adults of family or household members and a category for harassment, as defined in Title 5, chapter 337-A, and a method to note whether any crime was based on characteristics, which shall—be is supplementary to its other reported information. The bureau shall prescribe the information to be submitted in the same manner as for all other categories of the uniform crime reports.

STATEMENT OF FACT

This bill more precisely defines harassment and specifies the characteristics to be considered for the charge of "harassment based on characteristics."

This bill streamlines the type of harassment data the State Bureau of Identification is required to collect, namely harassment based on specific characteristics. This bill also requires the State Bureau of Identification to note when any crime was based on characteristics.