

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

---

Legislative Document

No. 1123

S.P. 366

In Senate, April 1, 1993

**An Act to Prohibit Stalking.**

(EMERGENCY)

---

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator AMERO of Cumberland. (GOVERNOR'S BILL).

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, victims of stalking are currently subjected to disruptions in their lives, emotional distress, serious bodily injury and, in some cases, life threatening situations; and

Whereas, the Maine Commission on Domestic Abuse has studied this issue and found that state law does not adequately protect victims of stalking; and

Whereas, the Maine Commission on Domestic Abuse recommends that the Legislature amend the State's criminal laws to provide for the proper protection of victims of stalking; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 17-A MRSA §15, sub-§1, ¶A, as corrected by RR 1991, c. 2, §50, is further amended by enacting a new subparagraph (7-A) to read:

(7-A) Harassment, as set forth in section 506-A, if the officer reasonably believes that the person has received notice pursuant to section 506-A, subsection 4;

Sec. 2. 17-A MRSA §506-A, sub-§1, as amended by PL 1987, c. 736, §36, is repealed.

Sec. 3. 17-A MRSA §506-A, sub-§1-A is enacted to read:

1-A. A person commits harassment if the person intentionally engages in conduct knowing the conduct may:

A. Harass, torment or threaten another person; or

B. Place another person in fear that a crime will be committed against that other person.

Sec. 4. 17-A MRSA §506-A, sub-§2, as amended by PL 1991, c. 566, §2, is further amended to read:

2. Harassment is a Class E D crime, except that when the defendant has 2 or more prior Maine convictions for violations of this section in which the victim was the same person or a member of that victim's immediate family, violation of this section is a

2 Class C crime. For purposes of this subsection, the dates of  
4 both of the prior convictions must precede the commission of the  
6 offense being enhanced by no more than 5 years, although both  
8 prior convictions may have occurred on the same day. The date of  
10 a conviction is deemed to be the date that sentence is imposed,  
12 even though an appeal was taken. The date of a commission of  
14 prior offenses is presumed to be that stated in the complaint,  
16 information or indictment, notwithstanding the use of the words  
18 "on or about" or the equivalent.

20 **Sec. 5. 17-A MRSA §506-A, sub-§§4 and 5** are enacted to read:

22 4. A law enforcement officer may forbid a person from  
24 engaging in conduct described in subsection 1-A. The notice may  
26 include an order for that person to have no contact with the  
28 other person.

30 5. Proof of a person's intent may be established by  
32 repeated activity including following the other person or placing  
34 the other person under surveillance. Proof of the person's  
36 knowledge of a notice may be established by proof that notice has  
38 been given as described in subsection 4.

40 **Emergency clause.** In view of the emergency cited in the  
42 preamble, this Act takes effect when approved.

### 44 STATEMENT OF FACT

46 Section 1 of the bill allows a law enforcement officer to  
48 make a warrantless arrest of a person who harasses another if the  
50 officer reasonably believes that the person has previously been  
52 forbidden to do so by a law enforcement officer.

Section 2 of the bill repeals the current definition of the  
crime of harassment. Section 3 expands the definition.  
Harassment, otherwise known as stalking, is conduct that a person  
intentionally engages in knowing that it will harass, torment or  
threaten another person or place that person in fear that a crime  
will be committed.

Section 4 of the bill increases the penalty for harassment  
from a Class E to a Class D crime.

Section 5 of the bill creates 2 new subsections under the  
crime of harassment. The first allows a law enforcement officer  
to forbid a person from engaging in conduct that is harassment.  
The 2nd makes it clear that proof of the person's intent may be  
established by repeatedly following or placing another under  
surveillance and proof of the person's knowledge may be  
established by that person having received notice.