

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

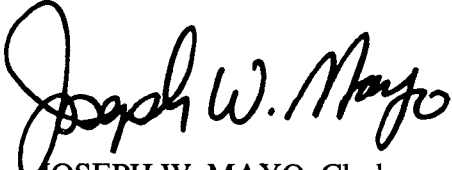
No. 377

H.P. 275

House of Representatives, February 1, 1995

An Act to Extend to Businesses the Laws Concerning Protection from Harassment.

Reference to the Committee on Business and Economic Development suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative VIGUE of Winslow.
Cosponsored by Representatives: CAMERON of Rumford, CAMPBELL of Holden,
FARNUM of South Berwick, GOULD of Greenville, KEANE of Old Town, LEMONT of
Kittery, MURPHY of Berwick, REED of Dexter.

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

2
3 **Sec. 1. 5 MRSA §4651, sub-§2**, as amended by PL 1993, c. 199,
4 §1, is further amended to read:

6 **2. Harassment.** "Harassment" means any repeated act of
7 intimidation, harassment, physical force or threat of physical
8 force directed against any person, family, business, landlord or
9 their property or advocate with the intention of causing fear,
10 intimidation or destruction of business or rental property or to
11 deter free exercise or enjoyment of any rights or privileges
12 secured by the Constitution of Maine and the United States
13 Constitution. This definition does not include any act protected
14 by the constitutional guarantee of free speech.

16 **Sec. 2. 5 MRSA §4651, sub-§4** is enacted to read:

18 **4. Business.** "Business" means any corporation,
19 partnership, limited liability corporation, professional
20 corporation or any other legal business entity recognized under
21 the laws of the State.

22
23 **Sec. 3. 5 MRSA §4653, sub-§1**, as amended by PL 1993, c. 199,
24 §2, is further amended to read:

26 **1. Filing.** Any person who has been a victim of harassment,
27 including a business or a landlord acting on behalf of an
28 aggrieved tenant, may seek relief by filing a sworn petition in
29 an appropriate court alleging that harassment.

30
31 **Sec. 4. 5 MRSA §4654, sub-§2, ¶A**, as amended by PL 1993, c.
32 199, §3, is further amended to read:

34 A. It appears clearly from a verified petition or an
35 affidavit accompanying the petition that:

36
37 (1) Before the defendant or the defendant's attorney
38 can be heard, the plaintiff or the plaintiff's
39 employees may be in immediate and present danger of
40 physical abuse from the defendant or is in immediate
41 and present danger of suffering extreme emotional
42 distress as a result of the defendant's conduct or the
43 plaintiff's business or rental property is in immediate
44 and present danger of suffering substantial damage as a
45 result of the defendant's actions;

46
47 (2) Either the plaintiff has or has not contacted any
48 law enforcement officials concerning the alleged
49 harassment; and
50

2 (3) The plaintiff has provided sufficient information
to substantiate the alleged harassment;

4 **Sec. 5. 5 MRSA §4654, sub-§4, ¶A and B**, as enacted by PL 1987,
c. 515, §1, are amended to read:

6 A. Imposing any restraint upon the person or liberty of the
8 plaintiff or the plaintiff's employees;

10 B. Threatening, assaulting, molesting, harassing or
12 otherwise disturbing the peace of the plaintiff or the
plaintiff's employees;

14 **Sec. 6. 5 MRSA §4654, sub-§4, ¶C**, as repealed and replaced by
PL 1993, c. 680, Pt. A, §10, is amended to read:

16 C. Entering the plaintiff's residence or property, provided
18 that the court may not use this subsection to evict a
20 defendant from the rental premises in an action brought by a
plaintiff;

22 **Sec. 7. 5 MRSA §4655, sub-§1, ¶A**, as amended by PL 1987, c.
708, §5, is further amended to read:

24 A. Directing the defendant to refrain from harassing,
26 threatening, assaulting, molesting, attacking or otherwise
abusing the plaintiff or the plaintiff's employees;

28 **Sec. 8. 5 MRSA §4655, sub-§1, ¶B**, as amended by PL 1993, c.
30 199, §6, is further amended to read:

32 B. Directing the defendant to refrain from going on the
34 premises of the plaintiff's residence or property, provided
that the court may not use this subsection to evict a
36 defendant from the rental premises in an action brought by a
plaintiff;

38 **Sec. 9. 5 MRSA §4655, sub-§1, ¶D**, as amended by PL 1993, c.
40 475, §2, is further amended to read:

42 D. Ordering payment of monetary compensation to the
plaintiff for losses suffered as a direct result of the
44 harassment. Compensatory losses are limited to loss of
earnings or support; reasonable expenses incurred for safety
protection; reasonable expenses incurred for personal
46 injuries or property damage; and reasonable moving
expenses. Upon the motion of either party, for sufficient
48 cause, the court may set a later hearing on the issue of the
amount of damages, if any, to be awarded. If it appears
50 from the petition that an order under this paragraph may be

2 granted, the plaintiff or defendant may remove the issue of
monetary compensation to the Superior Court where a jury
4 trial may be had. Removal must be requested by motion prior
to a hearing under section 4654;

6

STATEMENT OF FACT

8

10 This bill extends the laws concerning protection from
harassment to include businesses.