

# 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)



# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

---

Legislative Document

No. 381

H.P. 273

House of Representatives, January 14, 1999

**An Act to Provide the Right to a Jury Trial in Civil Actions for  
Violations of Constitutional Rights.**

---

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SAVAGE of Buxton.  
Cosponsored by Representatives: BRENNAN of Portland, DAIGLE of Arundel,  
LaVERDIERE of Wilton, RICHARDSON of Brunswick.

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

2           **Sec. 1. 5 MRSA §4681**, as amended by PL 1995, c. 417, §1, is  
4 further amended to read:

6           **§4681. Violations of constitutional rights; civil action by**  
8                           **Attorney General**

10           Whenever any person, whether or not acting under color of  
12 law, intentionally interferes or attempts to intentionally  
14 interfere by physical force or violence against a person, damage  
16 or destruction of property or trespass on property or by the  
18 threat of physical force or violence against a person, damage or  
20 destruction of property or trespass on property with the exercise  
22 or enjoyment by any other person of rights secured by the United  
24 States Constitution or the laws of the United States or of rights  
26 secured by the Constitution of Maine or laws of the State or  
28 violates section 4684-B, the Attorney General may bring a civil  
30 action for injunctive or other appropriate equitable relief in  
32 order to protect the peaceable exercise or enjoyment of the  
34 rights secured. Each violation of this section is a civil  
36 violation for which a civil penalty of not more than \$5,000 for  
38 each defendant may be adjudged. These penalties must be applied  
40 by the Attorney General in carrying out this chapter. The civil  
42 action must be brought in the name of the State and instituted in  
44 the Superior Court for the county where the alleged violator  
resides or has a principal place of business or where the alleged  
violation occurred. There is a right to trial by jury in any  
action brought under this section. A person who knowingly  
violates a temporary restraining order or preliminary or  
permanent injunction issued under this section commits a Class D  
crime. Each temporary restraining order or preliminary or  
permanent injunction issued under this section must include a  
statement describing the penalties provided in this section for a  
knowing violation of the order or injunction. The clerk of the  
Superior Court shall transmit one certified copy of each order or  
injunction issued under this section to the appropriate law  
enforcement agency having jurisdiction over locations where the  
defendant is alleged to have committed the act giving rise to the  
action, and service of the order or injunction must be  
accomplished pursuant to the Maine Rules of Civil Procedure.  
Unless otherwise ordered by the court, service must be made by  
the delivery of a copy in hand to the defendant.

46           **Sec. 2. 5 MRSA §4682**, as amended by PL 1995, c. 417, §2, is  
48 further amended to read:

50           **§4682. Violations of constitutional rights; civil actions by**  
                          **aggrieved persons**

2 Whenever any person, whether or not acting under color of  
law, intentionally interferes or attempts to intentionally  
4 interfere by physical force or violence against a person, damage  
or destruction of property or trespass on property or by the  
6 threat of physical force or violence against a person, damage or  
destruction of property or trespass on property with the exercise  
8 or enjoyment by any other person of rights secured by the United  
States Constitution or the laws of the United States or of rights  
10 secured by the Constitution of Maine or laws of the State or  
violates section 4684-B, the person whose exercise or enjoyment  
12 of these rights has been interfered with, or attempted to be  
interfered with, may institute and prosecute in that person's own  
14 name and on that person's own behalf a civil action for legal or  
equitable relief. This action must be instituted in the Superior  
16 Court for the county where the alleged violator resides or has a  
principal place of business or where the alleged violation  
18 occurred. There is a right to trial by jury in any action  
brought under this section. A person who knowingly violates a  
20 temporary restraining order or preliminary or permanent  
injunction issued under this section commits a Class D crime.  
22 Each temporary restraining order or preliminary or permanent  
injunction issued under this section must include a statement  
24 describing the penalties provided in this section for a knowing  
violation of the order or injunction. The clerk of the Superior  
26 Court shall transmit one certified copy of each order or  
injunction issued under this section to the appropriate law  
28 enforcement agency having jurisdiction over locations where the  
defendant is alleged to have committed the act giving rise to the  
30 action, and service of the order or injunction must be  
accomplished pursuant to the Maine Rules of Civil Procedure.  
32 Unless otherwise ordered by the court, service must be made by  
the delivery of a copy in hand to the defendant.

34

## SUMMARY

36

38 This bill provides the right to a trial by jury in civil  
actions for violations of constitutional rights under the Maine  
Civil Rights Act.

40