

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1264

S.P. 427

In Senate, February 16, 1999

An Act to Ensure Freedom of Speech and Association on Campus.

Reference to the Committee on Education and Cultural Affairs 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 PENDLETON of Cumberland.
Cosponsored by Representative MACK of Standish and
Senators: BENNETT of Oxford, AMERO of Cumberland, CATHCART of Penobscot,
Representative: BUCK of Yarmouth.

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

2 Sec. 1. 20-A MRSA §10006 is enacted to read:

4 **§10006. Protection of student speech and association rights**

6 1. Definitions. As used in this section, unless the
8 context otherwise indicates, the following terms have the
10 following meanings.

12 A. "Institution" means any postsecondary institution
14 incorporated or chartered under the laws of this State.

16 B. "Official sanction" means expulsion, suspension,
18 probation, censure, condemnation, reprimand, coercion,
20 intimidation, harassment or any other actual or threatened
22 adverse action or sanction taken or threatened to be taken
24 by an institution. It includes oral or written warnings,
26 threats or harassment made by any official of an institution
28 when that official is acting in an official capacity for an
30 institution.

32 C. "Protected association" means the joining, assembling or
34 residing with others in activities that are protected or
36 guaranteed under the United States Constitution, Amendments
38 I and XIV and under the Constitution of Maine.

40 D. "Protected speech" means speech that is protected or
42 guaranteed under the United States Constitution, Amendments
44 I and XIV and under the Constitution of Maine.

46 2. Protection of rights. A student attending an
48 institution on a full-time or part-time basis may not, on the
50 basis of participation in protected speech or protected
association, be excluded from participation in, denied the
benefits of, subjected to harassment, discrimination or
intimidation in or denied any rights officially or unofficially
sanctioned under any education program, activity, division or
function of the institution, whether or not the education
program, activity, division or function is sponsored or
officially sanctioned by the institution.

3. Construction. Nothing in this section may be construed
to:

A. Discourage or prevent the imposition of official
sanction on a student who has willfully participated in the
disruption of a lecture, class, speech, presentation,
performance, activity or function made or officially
scheduled to be made under the auspices of an institution; or

