

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 56

H.P. 47

House of Representatives, January 9, 2001

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

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SAVAGE of Buxton.

Cosponsored by Representatives: COWGER of Hallowell, DUNLAP of Old Town,
DUPLESSIE of Westbrook, HAWES of Standish, LaVERDIERE of Wilton, PERRY of Bangor.

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

4 **Sec. 1. 5 MRSA §4681**, as amended by PL 1995, c. 417, §1, is
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
or destruction of property or trespass on property or by the
16 threat of physical force or violence against a person, damage or
destruction of property or trespass on property with the exercise
18 or enjoyment by any other person of rights secured by the United
States Constitution or the laws of the United States or of rights
secured by the Constitution of Maine or laws of the State or
20 violates section 4684-B, the Attorney General may bring a civil
action for injunctive or other appropriate equitable relief in
22 order to protect the peaceable exercise or enjoyment of the
rights secured. Each violation of this section is a civil
24 violation for which a civil penalty of not more than \$5,000 for
each defendant may be adjudged. These penalties must be applied
26 by the Attorney General in carrying out this chapter. The civil
action must be brought in the name of the State and instituted in
the Superior Court for the county where the alleged violator
28 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
30 violates a temporary restraining order or preliminary or
permanent injunction issued under this section commits a Class D
32 crime. Each temporary restraining order or preliminary or
permanent injunction issued under this section must include a
34 statement describing the penalties provided in this section for a
knowing violation of the order or injunction. The clerk of the
36 Superior Court shall transmit one certified copy of each order or
injunction issued under this section to the appropriate law
38 enforcement agency having jurisdiction over locations where the
defendant is alleged to have committed the act giving rise to the
40 action, and service of the order or injunction must be
accomplished pursuant to the Maine Rules of Civil Procedure.
42 Unless otherwise ordered by the court, service must be made by
the delivery of a copy in hand to the defendant.

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

48 **§4682. Violations of constitutional rights; civil actions by**
50 **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.

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SUMMARY

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

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