

# MAINE STATE LEGISLATURE

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PLS

L.D. 1540

Date: 3/31/8

Report B

(Filing No. H- 876 )

JUDICIARY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1065, L.D. 1540, Bill, "An Act To Guarantee Free Speech in Privately Owned Public Gathering Places"

Amend the bill by striking out all of section 3 and inserting the following:

Sec. 3. 5 MRSA §4684-C is enacted to read:

**§4684-C. Exercise of political rights**

**1. Definitions.** As used in this section, the following terms have the following meanings.

A. "Common area" means that part of a shopping center that consists of entrances, exits, passageways, sidewalks, malls, concourses and parking lots that provide access to or that connect the establishments of the shopping center and that do not constitute part of the gross leasable area of the shopping center.

B. "Establishment" means a store, bank, restaurant, theater, arcade or other similar type of facility.

C. "Gross leasable area" means the total square foot area of all establishments of a shopping center leased or offered for lease, regardless of whether vacant or occupied, the location of the area within the shopping center or the duration of the lease.

D. "Management" means any person, partnership, limited liability company, corporation, joint venture or other entity managing, owning, operating or otherwise controlling the administration of a shopping center.

E. "Shopping center" means a privately owned complex, enclosed or otherwise, that consists of at least 5 establishments in which merchandise is sold at retail, grants access to the general public and, in addition to common areas, has at least 75,000 square feet of gross leasable area.

**2. Exercise of right to solicit petition signatures in shopping center.** Management of a shopping center shall allow unobtrusive and reasonable solicitation of petition

10/15

COMMITTEE AMENDMENT "A" to H.P. 1065, L.D. 1540

1 signatures in connection with access to the ballot for a candidate, initiative or referendum  
2 in the common area of the shopping center, subject to reasonable time, place and manner  
3 restrictions by management. These reasonable time, place and manner restrictions must  
4 include the requirement that the petitioner obtain liability insurance and agree to assume  
5 liability for the petitioner's negligence or willful misconduct in the shopping center.

6 **3. Posting of informational material regarding signature solicitation.** The  
7 posting of signs, posters, placards and other displays and written material regarding the  
8 solicitation of petition signatures is subject to the same reasonable time, place and manner  
9 restrictions as specified in subsection 2. The signs, posters, placards, displays and written  
10 materials may not interfere with the commercial purpose of the shopping center or its  
11 tenants or contain or depict "fighting words," obscenities, pornography, grisly or  
12 gruesome displays, highly inflammatory slogans likely to provoke a disturbance, or  
13 racial, religious or ethnic slurs.

14 **4. Violation.** It is a violation of this section for any person, whether or not acting  
15 under color of state law, to intentionally interfere or attempt to interfere with the exercise  
16 or enjoyment by any other person of rights guaranteed by this section.'

17 **SUMMARY**

18 This amendment amends the Maine Civil Rights Act to address the right to collect  
19 signatures in connection with access to the ballot for a candidate, initiative or referendum  
20 at shopping centers that are privately owned. A shopping center is defined as a privately  
21 owned complex, enclosed or otherwise, that consists of at least 5 establishments in which  
22 merchandise is sold at retail, grants access to the general public and, in addition to  
23 common areas, has at least 75,000 square feet of gross leasable area.

24 This amendment requires shopping centers to permit the solicitation of petition  
25 signatures and to allow the posting of informational material regarding the petition  
26 subject to reasonable time, place and manner restrictions.

27 **FISCAL NOTE REQUIRED**  
28 **(See attached)**

**COMMITTEE AMENDMENT**



Approved: 03/12/08 *MAC*

# 123rd MAINE LEGISLATURE

LD 1540

LR 448(03)

An Act To Guarantee Free Speech in Privately Owned Public Gathering Places

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Establishes new civil violations. The collection of additional fines may also increase General Fund revenue by minor amounts.

### Fiscal Detail and Notes

Additional costs to the Department of the Attorney General can be absorbed utilizing existing budgeted resources.