

# MAINE STATE LEGISLATURE

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10.018

L.D. 1540

Date: 3/31/8

Report C

(Filing No. H- 877)

JUDICIARY

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

COMMITTEE AMENDMENT "B" 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 the right to petition in public gathering places**

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

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

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 mall leased or offered for lease, regardless of whether vacant or occupied, the location of the area within the shopping mall 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 mall.

E. "Shopping mall" means a privately owned enclosed complex 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 200,000 square feet of gross leasable area.

**2. Exercise of right to solicit petition signatures in shopping mall.** Unobtrusive and reasonable solicitation of petition signatures in connection with access to the ballot

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

1 for a candidate, initiative and referendum must be allowed in the common area of  
2 shopping malls, subject to reasonable time, place and manner restrictions adopted by  
3 management. Reasonable time, place and manner restrictions may include the  
4 requirement for the petitioner to execute a release to hold the shopping mall harmless and  
5 relinquish any claims of liability against a shopping mall for negligence and other  
6 nonwillful or grossly negligent misconduct.

7 **3. Informational material.** Unobtrusive and reasonable posting of signs, posters,  
8 placards and other written but not pictorial materials in connection with the exercise of  
9 the rights specified in subsection 2 must be allowed, subject to reasonable time, place and  
10 manner restrictions and as long as the posting does not interfere with the commercial  
11 purpose of the shopping mall or its tenants.

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

**SUMMARY**

15 This amendment is a minority report of the Joint Standing Committee on Judiciary.  
16  
17 This amendment narrows the bill to address the right to collect petition signatures in  
18 support of candidates and state and local initiatives and referenda at shopping malls. A  
19 shopping mall is defined as a privately owned enclosed complex that consists of at least 5  
20 retail establishments, grants access to the general public and has at least 200,000 square  
21 feet of gross leasable area.  
22 This amendment requires that the shopping malls allow such solicitation, subject to  
23 reasonable time, place and manner restrictions.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**



# 123rd MAINE LEGISLATURE

LD 1540

LR 448(02)

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

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

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.