

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1200

S.P. 427

In Senate, April 2, 2015

**An Act To Create a Civil Cause of Action for Intentional
Interference with Business Operations**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BURNS of Washington.

Cosponsored by Senators: CUSHING of Penobscot, DAVIS of Piscataquis, ROSEN of Hancock, President THIBODEAU of Waldo, Representatives: FOWLE of Vassalboro, SHAW of Standish.

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

2 **Sec. 1. 14 MRSA c. 759** is enacted to read:

3 **CHAPTER 759**

4 **CIVIL RECOVERY FOR INTENTIONAL INTERFERENCE WITH BUSINESS**
5 **OPERATIONS**

6 **§8801. Short title**

7 This chapter may be known and cited as "the Maine Civil Recovery for Intentional
8 Interference with Business Operations Act."

9 **§8802. Civil recovery**

10 **1. "Business operations" defined.** As used in this chapter, "business operations"
11 means an activity engaged in with the object of gain, benefit or advantage, either direct or
12 indirect, by a private entity.

13 **2. Application.** This chapter applies to:

14 A. Business operations in a public or private place, including, but not limited to,
15 private land, public and private ways as defined in Title 29-A, section 101 and
16 railroad rights-of-way as defined in Title 12, section 9405-A, subsection 1, paragraph
17 J; and

18 B. Activities dealing with critical infrastructure as defined in Title 17-A, section 2,
19 subsection 6-A and within energy infrastructure corridors as defined in Title 35-A,
20 section 122, subsection 1, paragraph C.

21 **3. Liability.** A person who intentionally commits an act that hinders, impairs or
22 obstructs or attempts to hinder, impair or obstruct the performance of the business
23 operations of a private entity is liable to the private entity in accordance with the
24 provisions of this chapter. An organization that promotes, advocates for or directs an
25 individual to act as described in this chapter is liable to the private entity in the same
26 manner as the individual committing the act.

27 **4. No limitation.** The provisions of this chapter may not be construed to prohibit or
28 limit any other cause of action that a private entity may have against an individual or
29 organization found liable under this chapter.

30 **5. Damages recoverable.** An individual or organization found civilly liable to a
31 private entity under the provisions of this chapter may be awarded damages including:

32 A. Actual damages. Actual damages include economic losses and property damage,
33 when proven;

34 B. A civil penalty equal to \$50,000 or 3 times total damages, costs and fees,
35 whichever is greater; and

36 C. Costs and fees, including reasonable attorney's fees.

