

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 868

S.P. 365

In Senate, February 24, 2023

**An Act to Extend the Protections of the Maine Civil Rights Act to
Actions That Cause Emotional Distress or Fear of Violence**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

Cosponsored by Speaker TALBOT ROSS of Portland and

Senators: BAILEY of York, BALDACCI of Penobscot, CARNEY of Cumberland, DUSON of Cumberland, Representatives: DHALAC of South Portland, KUHN of Falmouth, MILLETT of Cape Elizabeth, MOONEN of Portland.

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

2 **Sec. 1. 5 MRSA §4681, sub-§1**, as enacted by PL 2001, c. 50, §1, is amended to
3 read:

4 **1. Interference with rights; action by Attorney General.** ~~Whenever any person,~~
5 ~~whether or not acting under color of law, intentionally interferes or attempts to intentionally~~
6 ~~interfere by physical force or violence against a person, damage or destruction of property~~
7 ~~or trespass on property or by the threat of physical force or violence against a person,~~
8 ~~damage or destruction of property or trespass on property with the exercise or enjoyment~~
9 ~~by any other person of rights secured by the United States Constitution or the laws of the~~
10 ~~United States or of rights secured by the Constitution of Maine or laws of the State or~~
11 ~~violates section 4684-B, the~~ The Attorney General may bring a civil action for injunctive
12 or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment
13 of the rights secured by the United States Constitution or the laws of the United States or
14 of the rights secured by the Constitution of Maine or the laws of the State whenever any
15 person, whether or not acting under color of law:

16 A. Violates section 4684-B; or

17 B. Intentionally interferes or attempts to intentionally interfere with the exercise or
18 enjoyment by any other person of those secured rights by:

19 (1) Physical force or violence against a person;

20 (2) Damage or destruction of property or trespass on property;

21 (3) Threatening physical force or violence against a person;

22 (4) Threatening damage or destruction of property or trespass on property; or

23 (5) Engaging in any course of conduct that would cause a reasonable person to
24 suffer emotional distress or to fear death or bodily injury to that person or to a close
25 relation. For purposes of this subparagraph, "close relation" and "emotional
26 distress" have the same meanings as in Title 17-A, section 210-A, subsection 2,
27 paragraph B and paragraph D, respectively.

28 **Sec. 2. 5 MRSA §4682, sub-§1-A**, as reallocated by RR 2001, c. 1, §11, is amended
29 to read:

30 **1-A. Interference with rights; private actions.** ~~Whenever any person, whether or~~
31 ~~not acting under color of law, intentionally interferes or attempts to intentionally interfere~~
32 ~~by physical force or violence against a person, damage or destruction of property or trespass~~
33 ~~on property or by the threat of physical force or violence against a person, damage or~~
34 ~~destruction of property or trespass on property with the exercise or enjoyment by any other~~
35 ~~person of rights secured by the United States Constitution or the laws of the United States~~
36 ~~or of rights secured by the Constitution of Maine or laws of the State or violates section~~
37 ~~4684-B, the~~ A person whose exercise or enjoyment of these the rights secured by the United
38 States Constitution or the laws of the United States or of the rights secured by the
39 Constitution of Maine or the laws of the State has been interfered with, or attempted to be
40 interfered with, may institute and prosecute in that person's own name and on that person's
41 own behalf a civil action for legal or equitable relief: whenever any person, whether or not
42 acting under color of law:

1 A. Violates section 4684-B; or
2 B. Intentionally interferes or attempts to intentionally interfere with the exercise or
3 enjoyment by any other person of those secured rights by:
4 (1) Physical force or violence against a person;
5 (2) Damage or destruction of property or trespass on property;
6 (3) Threatening physical force or violence against a person;
7 (4) Threatening damage or destruction of property or trespass on property; or
8 (5) Engaging in any course of conduct that would cause a reasonable person to
9 suffer emotional distress or to fear death or bodily injury to that person or to a close
10 relation. For purposes of this subparagraph, "close relation" and "emotional
11 distress" have the same meanings as in Title 17-A, section 210-A, subsection 2,
12 paragraph B and paragraph D, respectively.

13 **Sec. 3. 5 MRSA §4684-A**, as amended by PL 2021, c. 366, §23, is further amended
14 to read:

15 **§4684-A. Civil rights**

16 For purposes of this chapter and Title 17, section 2931, a person has the right to engage
17 in lawful activities without being subject to physical force or violence, damage or
18 destruction of property, trespass on property or, the threat of physical force or violence,
19 damage or destruction of property or trespass on property or a course of conduct that would
20 cause a reasonable person to suffer emotional distress or to fear death or bodily injury to
21 that person or a close relation motivated by reason of race, color, religion, sex, ancestry,
22 national origin, physical or mental disability, sexual orientation or gender identity. For
23 purposes of this section, "close relation" and "emotional distress" have the same meanings
24 as in Title 17-A, section 210-A, subsection 2, paragraph B and paragraph D, respectively.

25 **SUMMARY**

26 This bill strengthens the protections of the Maine Civil Rights Act by prohibiting a
27 person from intentionally interfering or attempting to intentionally interfere with another
28 person's exercise or enjoyment of that other person's civil rights by engaging in any course
29 of conduct that would cause a reasonable person to suffer emotional distress or to fear
30 violence. Examples of behavior prohibited under the bill include repeatedly trespassing on
31 another person's property to hang or burn a figure in effigy or to fumigate the other person's
32 residential property with pesticides when such conduct is motivated by reason of race,
33 color, religion, sex, ancestry, national origin, physical or mental disability, sexual
34 orientation or gender identity.