

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 365 - L.D. 868

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

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

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

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

A. Violates section 4684-B; or

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

(1) Physical force or violence against a person;

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

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

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

(5) Engaging in any conduct that would cause a reasonable person to suffer emotional distress or to fear death or bodily injury to that person or to a close relation. For purposes of this subparagraph, "close relation" and "emotional

distress" have the same meanings as in Title 17-A, section 210-A, subsection 2, paragraph B and paragraph D, respectively.

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

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

A. Violates section 4684-B; or

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

(1) Physical force or violence against a person;

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

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

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

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

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

§4684-A. Civil rights

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