

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

SUMMARY

This amendment amends the Maine Civil Rights Act to address the right to collect signatures in connection with access to the ballot for a candidate, initiative or referendum at shopping centers that are privately owned. A shopping center is defined as 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.

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

FISCAL NOTE REQUIRED
(See attached)