

§4682. Violations of constitutional rights; civil actions by aggrieved persons

1. Remedy.

[PL 1991, c. 821, §2 (RP).]

1. (REALLOCATED TO T. 5, §4682, sub-§1-A) Interference with rights; private actions.

[RR 2001, c. 1, §11 (RAL).]

1-A. (REALLOCATED FROM T. 5, §4682, sub-§1) Interference with rights; private actions.

A person whose 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 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 [PL 2023, c. 287, §2 (NEW).]

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. [PL 2023, c. 287, §2 (NEW).]

[PL 2023, c. 287, §2 (AMD).]

2. Place of action. The action under subsection 1 must be instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business.

[PL 2001, c. 50, §2 (NEW).]

3. Jury trial. There is a right to a jury at the trial of an action on the merits under this section, but there is no right to a jury at the hearing of an application for a preliminary injunction or a temporary restraining order.

[PL 2001, c. 50, §2 (NEW).]

4. Service of order or injunction. Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

[PL 2001, c. 50, §2 (NEW).]

5. Violation of restraining order or injunction. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime.

[PL 2001, c. 50, §2 (NEW).]

SECTION HISTORY

PL 1989, c. 582 (NEW). PL 1991, c. 821, §2 (RPR). PL 1993, c. 442, §2 (AMD). PL 1995, c. 417, §2 (AMD). PL 2001, c. 50, §2 (RPR). RR 2001, c. 1, §11 (COR). PL 2023, c. 287, §2 (AMD).

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