



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1096

S.P. 383

In Senate, March 25, 2015

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### **An Act To Create the Crime of Intentional Interference with Business Operations**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator BURNS of Washington.  
Cosponsored by Senators: DAVIS of Piscataquis, ROSEN of Hancock, SAVIELLO of Franklin, 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. 17-A MRSA §406** is enacted to read:

3 **§406. Intentional interference with business operations**

4 1. As used in this section, unless the context otherwise indicates, the following  
5 terms have the following meanings.

6 A. "Business operations" means an activity with the object of gain, benefit or  
7 advantage engaged in by an organization for business purposes in a public or private  
8 place, including, but not limited to, private land; a private way under Title 29-A,  
9 section 101, subsection 58; a public way under Title 29-A, section 101, subsection  
10 59; a railroad right-of-way under Title 12, section 9405-A, subsection 1, paragraph J;  
11 and an energy infrastructure corridor under Title 35-A, section 122, subsection 1,  
12 paragraph C.

13 2. A person or organization is guilty of intentional interference with business  
14 operations if:

15 A. The person intentionally hinders, impairs or obstructs or attempts to hinder,  
16 impair or obstruct business operations, including damaging or rendering inoperable  
17 property of an organization, including buildings, equipment or critical infrastructure.  
18 A violation of this paragraph is a Class E crime;

19 B. The person is violating paragraph A and:

20 (1) Is informed by a law enforcement officer that the person is violating  
21 paragraph A;

22 (2) The law enforcement officer orders the person to stop violating paragraph A;  
23 and

24 (3) The person fails or refuses to obey the order of the law enforcement officer.

25 A violation of this paragraph is a Class D crime; or

26 C. The person violates paragraph A or B and, at the time of the violation, the person  
27 has 2 or more prior convictions for violations of this section. Section 9-A governs  
28 the use of prior convictions when determining a sentence. Violation of this paragraph  
29 is a Class C crime.

30 3. Subsection 2 does not apply to a person or an authorized agent or representative  
31 of a person who is:

32 A. Present because the person is a business invitee or licensee of the organization; or

33 B. Exercising a right, duty or privilege of the person created by contract with the  
34 organization.

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**SUMMARY**

2           This bill creates the crime of intentional interference with business operations, which  
3 is committed when a person intentionally hinders, impairs or obstructs or attempts to  
4 hinder, impair or obstruct the performance of a business operation, including damaging or  
5 rendering inoperable property of an organization, including buildings, equipment or  
6 critical infrastructure, on private or public property, on a private or public way or within a  
7 railroad right-of-way or energy infrastructure corridor. Intentional interference with  
8 business operations is a Class E crime, except that a person who refuses to stop  
9 interfering when ordered to do so by a law enforcement officer commits a Class D crime.  
10 If, at the time of the violation, the person has 2 or more prior Maine convictions for  
11 intentional interference with business operations, the person commits a Class C crime.