

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 154 - L.D. 385

**An Act to Protect Communications by Alleged Victims Regarding Sexual
Assault, Sexual Harassment, Sexual Misconduct, Cyberbullying or
Discrimination from Litigation**

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

Sec. 1. 14 MRSA §732, as enacted by PL 2023, c. 626, §2 and affected by §§3, 4 and 7, is amended to read:

§732. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Governmental unit. "Governmental unit" means a public corporation or government or governmental subdivision, agency or instrumentality.

1-A. Cyberbullying. "Cyberbullying" has the same meaning as in Title 20-A, section 6554, subsection 2, paragraph C.

1-B. Discrimination. "Discrimination" has the same meaning as in Title 5, section 4553, subsection 2, and includes:

A. Subjecting to harassment;

B. Failing to prevent an act of discrimination;

C. Aiding, abetting, inciting, compelling or coercing an act of discrimination; or

D. Retaliating against a person for reporting an act of discrimination.

2. Person. "Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit or other legal entity.

3. Sexual assault. "Sexual assault" means conduct described under Title 17-A, chapters 11 and 12.

4. Sexual harassment. "Sexual harassment" means verbal or physical conduct of a sexual nature directed at a specific person, including:

A. Unwelcome sexual advances;

B. Sexually suggestive remarks or actions;

C. Unwanted hugs, touches or kisses;

D. Requests for sexual favors; or

E. Retaliation for communicating about or filing a complaint of sexual harassment.

5. Sexual misconduct. "Sexual misconduct" means conduct described in Title 17-A, chapter 35.

Sec. 2. 14 MRSA §733, sub-§2, ¶C, as enacted by PL 2023, c. 626, §2 and affected by §§3, 4 and 7, is amended to read:

C. Exercise of the right of freedom of speech or of the press, the right to assemble or petition or the right of association, guaranteed by the United States Constitution or by the Constitution of Maine, on a matter of public concern; ~~or~~

Sec. 3. 14 MRSA §733, sub-§2, ¶D, as enacted by PL 2023, c. 626, §2 and affected by §§3, 4 and 7, is amended to read:

D. Written or oral statement made in connection with a discrimination complaint pursuant to the Maine Human Rights Act or any written or oral statement made in connection with a complaint pursuant to Title 20-A, chapter 445 or the so-called Title IX provisions of the federal Education Amendments of 1972, Public Law 92-318; or

Sec. 4. 14 MRSA §733, sub-§2, ¶E is enacted to read:

E. Communication, made without malice, regarding an incident of sexual assault, sexual harassment, sexual misconduct, cyberbullying or discrimination experienced by the person, who has or at any time had a reasonable basis to file a complaint concerning the sexual assault, sexual harassment, sexual misconduct, cyberbullying or discrimination, whether the complaint was filed or not. For purposes of this paragraph, discrimination may include any conduct prohibited by Title 5, chapter 337, subchapters 3, 4 and 5-B.