

§210-A. Stalking**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

1. A person is guilty of stalking if:

A. The actor intentionally or knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person:

- (1) To suffer serious inconvenience or emotional distress;
- (2) To fear bodily injury or to fear bodily injury to a close relation;
- (3) To fear death or to fear the death of a close relation;
- (4) To fear damage or destruction to or tampering with property; or
- (5) To fear injury to or the death of an animal owned by or in the possession and control of that specific person.

Violation of this paragraph is a Class D crime; [PL 2015, c. 357, §1 (AMD).]

B. [PL 2001, c. 383, §12 (RP); PL 2001, c. 383, §156 (AFF).]

C. The actor violates paragraph A and has one or more prior convictions in this State or another jurisdiction. Notwithstanding section 2, subsection 3-B, as used in this paragraph, "another jurisdiction" also includes any Indian tribe.

Violation of this paragraph is a Class C crime. In determining the sentence for a violation of this paragraph the court shall impose a sentencing alternative pursuant to section 1502, subsection 2 that includes a term of imprisonment. In determining the basic term of imprisonment as the first step in the sentencing process, the court shall select a term of at least one year.

(TEXT EFFECTIVE UNTIL 1/01/23) For the purposes of this paragraph, "prior conviction" means a conviction for a violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19, section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary, emergency, interim or final protective order; an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe; or a court-approved consent agreement. Section 9-A governs the use of prior convictions when determining a sentence;

(TEXT EFFECTIVE 1/01/23) For the purposes of this paragraph, "prior conviction" means a conviction for a violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19, section 769; Title 19-A, former section 4011 or Title 19-A, section 4113; Title 22, section 4036; any other temporary, emergency, interim or final protective order; an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe; or a court-approved consent agreement. Section 9-A governs the use of prior convictions when determining a sentence; [PL 2019, c. 113, Pt. C, §59 (AMD); PL 2021, c. 647, Pt. B, §24 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

D. The actor violates paragraph A and the course of conduct is directed at or concerning 2 or more specific persons that are members of an identifiable group.

Violation of this paragraph is a Class C crime; or [PL 2015, c. 357, §3 (NEW).]

E. The actor violates paragraph C and at least one prior conviction was for a violation of paragraph D.

Violation of this paragraph is a Class B crime. In determining the sentence for a violation of this paragraph the court shall impose a sentencing alternative pursuant to section 1502, subsection 2

that includes a term of imprisonment. In determining the basic term of imprisonment as the first step in the sentencing process, the court shall select a term of at least 2 years. [PL 2019, c. 113, Pt. C, §60 (AMD).]

[PL 2019, c. 113, Pt. C, §§59, 60 (AMD); PL 2021, c. 647, Pt. B, §24 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

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

A. "Course of conduct" means 2 or more acts, including but not limited to acts in which the actor, by any action, method, device or means, directly or indirectly follows, monitors, tracks, observes, surveils, threatens, harasses or communicates to or about a person or interferes with a person's property. "Course of conduct" also includes, but is not limited to, threats implied by conduct and gaining unauthorized access to personal, medical, financial or other identifying or confidential information. [PL 2007, c. 685, §1 (AMD).]

B. "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepchild, stepparent, grandparent, any person who regularly resides in the household or who within the prior 6 months regularly resided in the household or any person with a significant personal or professional relationship. [PL 2007, c. 685, §1 (AMD).]

C. [PL 2007, c. 685, §1 (RP).]

D. "Emotional distress" means mental or emotional suffering of the person being stalked as evidenced by anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of emotional distress or a mental health diagnosis. [PL 2007, c. 685, §1 (NEW).]

E. "Serious inconvenience" means that a person significantly modifies that person's actions or routines in an attempt to avoid the actor or because of the actor's course of conduct. "Serious inconvenience" includes, but is not limited to, changing a phone number, changing an electronic mail address, moving from an established residence, changing daily routines, changing routes to and from work, changing employment or work schedule or losing time from work or a job. [PL 2007, c. 685, §1 (NEW).]

[PL 2007, c. 685, §1 (AMD).]

3.

[PL 2001, c. 383, §13 (RP); PL 2001, c. 383, §156 (AFF).]

SECTION HISTORY

PL 1995, c. 668, §3 (NEW). PL 1999, c. 510, §4 (AMD). PL 2001, c. 383, §§12,13 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 411, §1 (AMD). PL 2001, c. 471, §B9 (AMD). PL 2001, c. 471, §B10 (AFF). PL 2001, c. 667, §§D35,36 (AFF). PL 2007, c. 685, §1 (AMD). PL 2009, c. 336, §11 (AMD). PL 2015, c. 357, §§1-3 (AMD). PL 2015, c. 470, §§11, 12 (AMD). PL 2019, c. 113, Pt. C, §§59, 60 (AMD). PL 2021, c. 647, Pt. B, §24 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF).

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