

Stop Street Harassment

Maine

A variety of forms of street harassment are illegal in Maine, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

Verbal Harassment

In Maine, there are three laws that may apply to some forms of verbal street harassment. Maine's harassment law requires the involvement of a law enforcement officer to establish criminal liability; however you can report first-time harassment as disorderly conduct. Engaging a law enforcement officer can help prevent future harassment and potentially establish liability if the harassment is repeated.

Criminal Threatening

[Title 17-A, Chap 9. §209](#)

Maine has a law against threatening defined as, "intentionally or knowingly [placing] another person in fear of imminent bodily injury."

If a street harasser threatens you, and you believe s/he will actually harm you, you can call 911 as soon as you are safe to do so.

Penalty: Criminal threatening is a Class D crime, punishable by a fine of up to \$2,000 and/or up to 1 year in jail.

Disorderly Conduct

[Title 17-A, Chap. 21 §501-A](#)

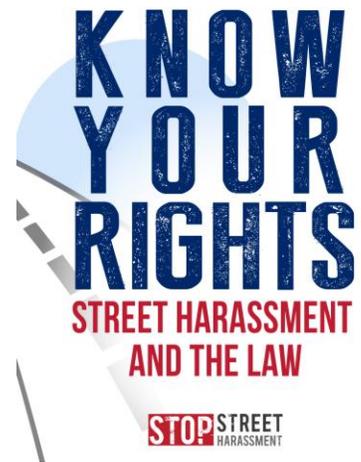
Maine's law against disorderly conduct prohibits someone from:

- Making loud and unreasonable noise in a public place.
- Engaging in fighting.
- Accosting, insulting, taunting, or challenging another person "with offensive, derisive, or annoying words, or by gestures or other physical conduct" that would be likely to illicit a violent response from an ordinary person in the same situation.

If a street harasser insults you, taunts you, or accosts you, or loudly harasses you, you can report the injurious language or harassment to the police.

- Note: This statute is what is commonly known as a "[fighting words](#)" law based on the "[reasonable man](#)" standard. Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

Penalty: Disorderly conduct is a Class E crime, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.



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Harassment

[Article 17-A, Chap. 21, §506-A](#)

The crime of harassment applies in Maine when someone continues to harass, torment, or threaten another person after being instructed by a law enforcement officer, in writing or otherwise, not to do so. This harassment law is narrow and in order for charges to be brought against a harasser:

- You must report harassment when it first happens.
- A police officer must determine it is appropriate to issue a warning to the harasser.
- The harasser must further engage in a “course of conduct with the intent to harass, torment or threaten.” (A course of conduct usually means 2 or more acts.)

If you find you are repeatedly being harassed by the same person – whether on your commute to work, near your school, or any place at all – you can take the necessary steps to hold that person accountable for harassment. These are the steps:

1. Report the initial incident(s) as harassing actions or as any of the other applicable crimes listed in our toolkit.
2. Police will need to identify the harasser, so provide any identifying information that you can – a description of the harasser, the location of the incident, and even a picture on your camera phone can help.
3. If police issue the harasser a warning to cease his or her behavior, ask for that warning to be put in writing and request a copy.
4. If you experience further harassment, continue to report it.
5. After someone has violated a warning from a police officer, s/he may be charged with the crime of harassment.

Penalty: Harassment is a Class E crime, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

Unlawful Filming/Photographing

Violation of Privacy

[Title 17-A, Chap. 21 §511](#)

It is considered a violation of privacy in Maine for someone to use any device (including a mirror or a cell phone) for observing, recording, or photographing a non-consenting person:

- In a private place where one should reasonably expect to be free from surveillance.

If a harasser films or photographs you someplace like public restrooms, dressing rooms, locker rooms, and hotel rooms, you can report him/her.

- In a place where a person should expect the private part of his or her body to be concealed and “safe from surveillance.”

If a street harasser takes an up-skirt or down-blouse photo of you, or otherwise observes or photographs or records your private areas in an inappropriate way, you can report him/her.

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Penalty: Violation of privacy is a Class D crime, punishable by a fine of up to \$2,000 and/or up to 1 year in jail.

Indecent Exposure

Indecent Conduct

[Title 17-A, Chap. 15 §854](#)

It is illegal in Maine for anyone to engage in a sexual act in a public place or to expose his or her genitals under circumstances that s/he knows are likely to cause affront or alarm in:

- A public place, including a motor vehicle.
- A private place, such as at a party, in an office, or in a school hallway.

If a harasser flashes or otherwise exposes him or herself to you or is masturbating in front of you, and you feel alarmed or affronted, you can report that person for indecent exposure.

Penalty: Indecent conduct is a Class E crime, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

Obstructing Your Path

Obstructing Public Ways

[Title 17-1, Chap. §505](#)

It is illegal in Maine for anyone to unreasonably obstruct pedestrian traffic on any public sidewalk or any public way and to refuse to cease the obstruction when told to do so by a law enforcement officer.

If a harasser obstructs your path in order to get your attention or to prevent you from leaving a space, you have the right to report him/her to a law enforcement officer.

Penalty: Obstructing public ways is a Class E crime, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

Criminal Threatening

[Title 17-A, Chap 9. §209](#)

Criminal threatening is simply defined as “intentionally or knowingly [placing] another person in fear of imminent bodily injury.”

If a harasser does something that makes you fear imminent injury, you can report him/her.

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- Note: Although the most common street harassment action that might make you fear imminent bodily injury is someone following you, it's unclear whether following would violate the criminal threatening law.

Penalty: Criminal threatening is a Class D crime, punishable by a fine of up to \$2,000 and/or up to 1 year in jail.

Stalking

[Title 17-A, Chap. 9 §210-A](#)

Stalking is defined as someone knowingly or intentionally engaging in a course of conduct – two or more acts – that would cause a reasonable person:

- To “suffer serious inconvenience or emotional distress.”
- To fear bodily injury, death, harm to a family member, or damage to one’s property or pet(s).

A serious inconvenience is defined in the law as occurring when a person “significantly [modifies] actions or routines in an attempt to avoid the actor or because of the actor’s course of conduct,” such as “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.”

If repeated harassment from a single person causes you a serious inconvenience, you can report that person for stalking.

Penalty: Stalking is a Class D crime, punishable by a fine of up to \$2,000 and/or up to 1 year in jail.

Groping

Unlawful Sexual Touching

[Title 17-A, Chap. 11 §260](#)

It is illegal in Maine for anyone to touch a non-consenting person’s breasts, buttocks, groin, or inner thigh, directly or through clothing, and for the purpose of arousing or gratifying sexual desire.

If someone touches you in this way, you can report it to the police if:

- You have not “expressly or impliedly acquiesced in the sexual touching.”
- You are unconscious at the time.
- You submit to the sexual touching as a result of compulsion.
- You are younger than 14 years old.

It’s important to note that the law includes, but does not define, the phrase “impliedly acquiesced.” It should be the responsibility of the person initiating sexual contact to get consent from you, not your responsibility to demonstrate lack of consent. But, unfortunately, it’s important to be wary of phrases in the law that could allow a police officer or a judge to put the burden of consent on you rather than the harasser.

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- If someone is touching you inappropriately *and you feel safe to do so*, the best way to communicate your lack of consent is to say clearly, “Stop touching me.”
- The law does not state that you must verbally reject the sexual touching; you might also demonstrate your lack of consent by moving away from the harasser or by some other action.

Either way, remember that street harassment is never your fault, and there is no “right” way to respond. If someone is touching you without your consent, you can report him/her to the police if you want.

Penalty: Unlawful sexual touching is a Class D crime, punishable by a fine of up to \$2,000 and/or up to 1 year in jail.

Reporting Crimes to the Police

- Call 911 for help if:
 - The crime is in progress
 - You or someone else is physically hurt or have been threatened with physical violence
 - You can provide information about who may have committed a crime.
- Call the local police office’s non-emergency number to submit a report afterward. For example, in Augusta, this number is (207) 626-2370 and in Portland it’s (207) 874-8575. In Auburn, it’s (207) 333-6601. Be prepared to provide them with:
 - When it happened (date and time).
 - Where it happened (street location, store location, bus line or bus stop, park name, etc).
 - Who is reporting (your name and contact information).
 - A description of what happened.
 - The name and contact information of witnesses, if you spoke to any.
 - It can be helpful to include the law the crime falls under, such as Harassment, [17-A M.R. § 506-A](#). If you’re not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney’s office can determine the appropriate charges.
 - A description of the harasser/s.
- Many police departments also have online reporting forms, for example, both [Portland](#) and [Auburn](#) have an online reporting form where you can report crimes like harassment and sexual assault and you can even upload a photo of the perpetrator.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
 - In Augusta, you can do this by calling 207-620-8009. You can also do this by using the [Augusta Crime Stopper Web form](#) where you can report crimes.
 - Portland also allows you to submit an anonymous [web tip](#), call (207) 874-8584, or text the letters “GOTCHA” to 274637 (CRIMES).

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- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.