§733. Applicability

1. Goods or services. For the purposes of this section, "goods or services" does not include the creation, dissemination, exhibition or advertisement or similar promotion of a dramatic, literary, musical, political, journalistic or artistic work.
[PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

2. Cause of action asserted. Except as otherwise provided in subsection 3, this subchapter applies to a cause of action asserted in a civil action against a person based on the person's:

A. Communication in a legislative, executive, judicial, administrative or other governmental proceeding; [PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

B. Communication on an issue under consideration or review in a legislative, executive, judicial, administrative or other governmental proceeding; [PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

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; [PL 2025, c. 403, §2 (AMD).]

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 [PL 2025, c. 403, §3 (AMD).]

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. [PL 2025, c. 403, §4 (NEW).]
[PL 2025, c. 403, §§2-4 (AMD).]

3. Exceptions. This subchapter does not apply to a cause of action asserted:

A. Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity; [PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

B. By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or [PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

C. Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person's sale or lease of the goods or services. [PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]
[PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

SECTION HISTORY

PL 2023, c. 626, §2 (NEW). PL 2023, c. 626, §§3, 4, 7 (AFF). PL 2025, c. 403, §§2-4 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 132nd Maine Legislature and is current through October 1, 2026. The

text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.