

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1064

S.P. 326

In Senate, February 18, 1997

**An Act to Require that Reasonable Notice Be Given to the Defendant
When a Protection from Abuse or Harassment Proceeding Is Started
while Other Litigation is Pending between the Parties.**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

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Sec. 1. 19 MRSA §765, sub-§2, as amended by PL 1991, c. 760, §6, is further amended to read:

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2. **Temporary orders.** The court may enter any temporary orders authorized under subsection 4 as it considers necessary to protect the plaintiff or minor child from abuse, on good cause shown in an ex parte proceeding, which the court shall hear and determine as expeditiously as practicable after the filing of a complaint. Immediate and present danger of abuse to the plaintiff or minor child constitutes good cause. Any order remains in effect pending a hearing pursuant to subsection 1. When a temporary order is requested by a person who is a party to a pending divorce action, the applicant shall comply with the Maine Rules of Civil Procedure, Rule 65(a).

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SUMMARY

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This bill requires that reasonable notice be given to a defendant when a person starts a protection from abuse or harassment proceeding while other litigation is pending between the parties as governed by the Maine Rules of Civil Procedure, Rule 65(a).