

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2 Date: 2/10/20

(Filing No. H-674)

3 JUDICIARY

4 Reproduced and distributed under the direction of the Clerk of the House.

5 STATE OF MAINE
6 HOUSE OF REPRESENTATIVES
7 129TH LEGISLATURE
8 SECOND REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 1336, L.D. 1865, Bill, "An Act To
10 Amend the Protection from Abuse Laws Concerning Consent Agreements"

11 Amend the bill in section 1 in subsection 1 by striking out all of the first paragraph
12 (page 1, lines 4 to 13 in L.D.) and inserting the following:

13 '1. **Protection order; consent agreement.** The court, after a hearing and upon
14 finding that the defendant has committed the alleged abuse as defined in section 4002,
15 subsection 1 or engaged in the alleged conduct described in section 4005, subsection 1,
16 may grant a protective order or, upon making that finding, approve a consent agreement
17 to bring about a cessation of abuse or the alleged conduct. ~~This subsection does not~~
18 ~~preclude the parties from voluntarily requesting a consent agreement without a finding of~~
19 ~~abuse. Alternatively, when the parties voluntarily request a consent agreement, the court~~
20 ~~may grant a protective order with or without a finding that the defendant committed abuse~~
21 ~~as defined in section 4002, subsection 1 or with or without a finding that the defendant~~
22 ~~engaged in conduct described in section 4005, subsection 1.~~ The court may enter a
23 finding that the defendant represents a credible threat to the physical safety of the plaintiff
24 or a minor child residing in the plaintiff's household. The court may enter a finding of
25 economic abuse. Relief granted under this section may include:'

26 SUMMARY

27 This amendment clarifies that a court may grant a protection from abuse order
28 without holding a hearing if the parties have voluntarily requested a consent agreement.
29 The court may enter the protective order based on the consent agreement with or without
30 a finding that the defendant engaged in abuse. If the protection from abuse order is
31 granted to stop alleged conduct described in the Maine Revised Statutes, Title 19-A,
32 section 4005, subsection 1, it may be granted with or without a finding that the alleged
33 conduct occurred. Current law is silent on the issue of a protection from abuse order
34 when the parties request a consent agreement based on alleged conduct, as opposed to
35 abuse.

COMMITTEE AMENDMENT