MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 665

H.P. 433

House of Representatives, February 25, 2025

An Act Regarding the Use of Military Protective Orders in Protection from Abuse and Protection from Harassment Proceedings

Received by the Clerk of the House on February 20, 2025. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative RIELLY of Westbrook. Cosponsored by Senator HICKMAN of Kennebec and Representatives: MCINTYRE of Lowell, SUPICA of Bangor.

2	Sec. 1. 5 MRSA §4651, sub-§3-A is enacted to read:
3 4 5 6	3-A. Military protective order. "Military protective order" means a protection order issued pursuant to 10 United States Code, Section 1567 by a commanding officer of the Armed Forces of the United States or the National Guard of any state, against a person under the officer's command.
7 8	Sec. 2. 5 MRSA §4654, sub-§2, ¶A, as amended by PL 2011, c. 559, Pt. C, §4, is further amended to read:
9 10	A. It appears clearly from a verified complaint, a military protective order or an affidavit accompanying the complaint or order that:
11 12 13 14 15 16	(1) Before the defendant or the defendant's attorney can be heard, the plaintiff or the plaintiff's employees may be in immediate and present danger of physical abuse from the defendant or in immediate and present danger of suffering extreme emotional distress as a result of the defendant's conduct, or the plaintiff's business property is in immediate and present danger of suffering substantial damage as a result of the defendant's actions;
17 18 19 20 21 22 23	(2-A) If the alleged harassment does not meet the definition in section 4651, subsection 2, paragraph C or is not related to an allegation of domestic violence, violence against a dating partner, sexual assault or stalking, the plaintiff has obtained a copy of a notification issued against the other person as described in Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a) or the plaintiff has filed a statement of good cause why such relief was not sought or why such a notice was not issued; and
24 25	(3) The plaintiff has provided sufficient information to substantiate the alleged harassment; and
26	Sec. 3. 19-A MRSA §4102, sub-§7-A is enacted to read:
27 28	7-A. Military protective order. "Military protective order" has the same meaning as in Title 5, section 4651, subsection 3-A.
29 30	Sec. 4. 19-A MRSA §4102, sub-§8, ¶C, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:
31	C. An order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; or
32 33	Sec. 5. 19-A MRSA §4102, sub-§8, ¶D, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:
34 35	D. A similar order issued by a court of the United States or of another state, territory, commonwealth or federally recognized Indian tribe-; or
36	Sec. 6. 19-A MRSA §4102, sub-§8, ¶E is enacted to read:
37	E. A military protective order.
38 39	Sec. 7. 19-A MRSA §4106, sub-§6, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:

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

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6. Civil Court rules apply. Unless otherwise indicated in this chapter, all proceedings must be in accordance with the Maine Rules of Civil Procedure. Appeals may be taken as provided by the Maine Rules of Civil Procedure. Appeals may be only for error of law or abuse of discretion. The court may take judicial notice of a military protective order pursuant to the Maine Rules of Evidence, Rule 201 in a proceeding under this chapter.

- **Sec. 8. 19-A MRSA §4108, sub-§1,** as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:
- 1. Temporary orders. The court may enter temporary orders authorized under subsection 2 that it considers necessary to protect a 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 or the existence of an active military protective order on behalf of the plaintiff against the defendant constitutes good cause. A temporary order remains in effect pending a hearing pursuant to section 4109.

15 SUMMARY

This bill defines "military protective order," which is a protection order given by a military commanding officer against a service member under the officer's command, and allows the use of military protective orders in protection from abuse and protection from harassment hearings.