

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.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

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

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

2 **Sec. 1. 5 MRSA §4651, sub-§3-A** is enacted to read:

3 **3-A. Military protective order.** "Military protective order" means a protection order
4 issued pursuant to 10 United States Code, Section 1567 by a commanding officer of the
5 Armed Forces of the United States or the National Guard of any state, against a person
6 under the officer's command.

7 **Sec. 2. 5 MRSA §4654, sub-§2, ¶A**, as amended by PL 2011, c. 559, Pt. C, §4, is
8 further amended to read:

9 A. It appears clearly from a verified complaint, a military protective order or an
10 affidavit accompanying the complaint or order that:

11 (1) Before the defendant or the defendant's attorney can be heard, the plaintiff or
12 the plaintiff's employees may be in immediate and present danger of physical abuse
13 from the defendant or in immediate and present danger of suffering extreme
14 emotional distress as a result of the defendant's conduct, or the plaintiff's business
15 property is in immediate and present danger of suffering substantial damage as a
16 result of the defendant's actions;

17 (2-A) If the alleged harassment does not meet the definition in section 4651,
18 subsection 2, paragraph C or is not related to an allegation of domestic violence,
19 violence against a dating partner, sexual assault or stalking, the plaintiff has
20 obtained a copy of a notification issued against the other person as described in
21 Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division
22 (a) or the plaintiff has filed a statement of good cause why such relief was not
23 sought or why such a notice was not issued; and

24 (3) The plaintiff has provided sufficient information to substantiate the alleged
25 harassment; and

26 **Sec. 3. 19-A MRSA §4102, sub-§7-A** is enacted to read:

27 **7-A. Military protective order.** "Military protective order" has the same meaning as
28 in Title 5, section 4651, subsection 3-A.

29 **Sec. 4. 19-A MRSA §4102, sub-§8, ¶C**, as enacted by PL 2021, c. 647, Pt. A, §3
30 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 **Sec. 5. 19-A MRSA §4102, sub-§8, ¶D**, as enacted by PL 2021, c. 647, Pt. A, §3
33 and affected by Pt. B, §65, is amended to read:

34 D. A similar order issued by a court of the United States or of another state, territory,
35 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 **Sec. 7. 19-A MRSA §4106, sub-§6**, as enacted by PL 2021, c. 647, Pt. A, §3 and
39 affected by Pt. B, §65, is amended to read:

