

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
116TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**JULY 1993**

**Staff:**  
*Margaret J. Reinsch, Legislative Analyst  
Julie S. Jones, Principal Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670*

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JOHN G. KELLEY, RESEARCHER  
DARLENE A. SHORES LYNCH, RESEARCHER  
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**JULY 1993**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*CARRIED OVER*

*ONTP*

*ENACTMENT FAILED*

*INDEF PP*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Bill carried over to Second Session*

*Ought Not to Pass report accepted*

*Bill failed to get majority vote*

*Bill Indefinitely Postponed*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference formed but unable to agree*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

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## SPONSOR(S)

## COMMITTEE REPORT

## AMENDMENTS ADOPTED

H-633 COTE

**SUMMARY**

The bill is the unanimous report of the Joint Standing Committee on Judiciary, reported out pursuant to H.P. 957, a Joint Order requiring the Joint Standing Committee on Judiciary to report out a bill, "An Act Concerning Stalking." The bill is the committee's resolution of the issues regarding stalking presented in 4 bills introduced during the First Regular Session of the 116th Legislature. The Joint Standing Committee on Judiciary is satisfied that the current crime of harassment, the Maine Revised Statutes, Title 17-A, section 506-A, supplemented by the crimes of criminal threatening and terrorizing in Title 17-A, sections 209 and 210, respectively, cover the commonly referred to activity of "stalking."

The bill addresses the problem of "stalking" by ensuring that protection orders may be issued to enjoin conduct that most people agree is included in the term "stalking." This bill expands the list of types of conduct that can be enjoined and that result in criminal sanctions for violation of that injunction.

In addition to expanding the list of types of conduct that can be enjoined in a protection order, this bill requires the court to include in that order, when the order enjoins engaging in conduct that constitutes harassment, a warning "in conformity with" Title 17-A, section 506-A. This language was used by the Law Court in State v. Cropley, 544 A.2d 302 (Me. 1988) to rule that a particular warning was insufficient to meet the requirements of section 506-A.

The provisions concerning the crime of harassment are amended to allow a protection order with this warning to serve as the notice to the person that the conduct is a crime if continued or repeated. This is not intended to require a person to obtain a protection order to provide the warning required by the statute.

The bill places in the Maine Criminal Code notice to all readers of the code that violation of protection orders is a Class D crime except as otherwise provided and provides cross-references to where those crimes are established.

The bill amends the section on warrantless arrests to list 3 other instances in which warrantless arrests can already be made: violations of protection from abuse orders, violations of protective orders between family members and violations of protection from harassment orders. In certain circumstances, current law requires a law enforcement officer to arrest a person whose violation of the protection order is criminal.

The bill also amends the law regarding enhancing the penalty of an offense when the offender has prior convictions for the crime of harassment.

House Amendment "A" (H-633) revises the language concerning protection orders by clarifying that the orders apply to prohibited activities that are engaged in repeatedly and without reasonable cause.

Enacted without reference to committee.