

MAINE STATE LEGISLATURE

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(EMERGENCY)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1819

H.P. 1396 House of Representatives, January 4, 1984

Reference to the Committee on Judiciary. Ordered printed and sent up for concurrence.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Vassalboro.

Cosponsors: Representative Hayden of Durham, Senator Clark of Cumberland and Representative Foster of Ellsworth.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

**AN ACT to Reenact a Provision for Protective
Orders in Crimes Between Family Members.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in 1979 the Legislature enacted a law to allow judges to issue protective orders as a condition of bail or probation for certain crimes between family members; and

Whereas, this law contained a sunset provision that resulted in the automatic repeal of the law concerning protective orders on November 1, 1983; and

Whereas, the Legislature inadvertently failed to repeal this sunset provision, but has acted to repeal the sunset provision of other provisions of the state's domestic violence law; and

1 Whereas, the continuing ability of judges to is-
2 sue protective orders in cases of certain crimes be-
3 tween family members is vital to the family members
4 subject to violent crimes; and

5 Whereas, in the judgment of the Legislature,
6 these facts create an emergency within the meaning of
7 the Constitution of Maine and require the following
8 legislation as immediately necessary for the preser-
9 vation of the public peace, health and safety; now,
10 therefore,

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

13 15 MRSA c. 12-A is enacted to read:

14 CHAPTER 12-A

15 CRIMES BETWEEN FAMILY MEMBERS

16 §321. Protective orders in crimes between family
17 members

18 1. Definition. For purposes of this section,
19 "family or household members" means spouses or former
20 spouses, individuals presently or formerly living as
21 spouses, natural parents of the same child or adult
22 household members related by consanguinity or affini-
23 ty. Holding oneself out to be a spouse shall not be
24 necessary to constitute "living as spouses."

25 2. Grounds for order. The court may issue a pro-
26 tection order if:

27 A. A person is charged with or convicted of a
28 violation of Title 17-A, sections 201 to 204, 207
29 to 211, 252, 253, 301 to 303, 506-A or 556;

30 B. The offender and the victim are family or
31 household members; and

32 C. The court finds that there is a likelihood
33 that the offender may injure the health or safety
34 of the victim in the future.

1 ready gone into effect, the entire section must now
2 be reenacted in order for the law to continue. No
3 changes in the section have been made in this pro-
4 posed reenactment, with the exception of the deletion
5 of the sunset provision.

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