

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1693

6  
7 S.P. 655

In Senate, December 19, 1985

8 Approved for introduction by a majority of the Legislative Council  
9 pursuant to Joint Rule 26.

10 Received by the Secretary of the Senate on December 19, 1985. Referred  
to the Committee on Judiciary and 1,600 ordered printed pursuant to Joint  
Rule 14.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Carpenter of Aroostook.

11 Cosponsored by Representative Kane of So. Portland.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-SIX  
16

17 AN ACT to Permit the Transfer of Protection  
18 from Abuse Hearings from Superior  
19 Court to District Court.  
20

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

23 19 MRSA §765, sub-§2, as amended by PL 1985, c.  
24 495, §12, is further amended to read:

25 2. Temporary orders. The court may enter any  
26 temporary orders authorized under subsection 4 as it  
27 deems necessary to protect the plaintiff or minor  
28 child from abuse, on good cause shown in an ex parte  
29 proceeding. Immediate and present danger of physical  
30 abuse to the plaintiff or minor child shall consti-  
31 tute good cause. Any order shall remain in effect  
32 pending a hearing pursuant to subsection 1. If the  
33 complaint is filed initially in the Superior Court,  
34 the justice, after authorizing any temporary order  
35 under this section, may order that further proceed-  
36 ings be transferred to the District Court of the di-

1 vision in which either the plaintiff or the defendant  
2 resides.

3 STATEMENT OF FACT

4 Under the Maine Revised Statutes, Title 19, sec-  
5 tion 765, subsection 1, a hearing must be held within  
6 21 days of the filing of a complaint. In some coun-  
7 ties, this requirement causes a disruption of trials  
8 in progress when the action is filed in Superior  
9 Court. This bill provides Superior Court Justices  
10 with the discretion to transfer the case to the Dis-  
11 trict Court after any temporary order has been autho-  
12 rized in an ex parte proceeding.

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