

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1871

7
8 H.P. 1334 House of Representatives, January 15, 1986
9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.

11 EDWIN H. PERT, Clerk

12 Presented by Representative Kane of So. Portland.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Amend the Protection from Abuse
19 Law.
20

21 Emergency preamble. Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, a provision of the protection from abuse
25 law, amended to protect children, was inadvertently
26 omitted from the amendment; and

27 Whereas, without this provision being amended the
28 protection from abuse law does not clearly extend its
29 protection to children; and

30 Whereas, it is important that children receive
31 the immediate protection available through the courts
32 under the protection from abuse law; and

33 Whereas, in the judgment of the Legislature,
34 these facts create an emergency within the meaning of

1 the Constitution of Maine and require the following
2 legislation as immediately necessary for the preser-
3 vation of the public peace, health and safety; now,
4 therefore,

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

7 19 MRSA §762, sub-§1, as amended by PL 1979, c.
8 677, §4, is further amended to read:

9 1. Abuse. "Abuse" means the occurrence of the
10 following acts between family or household members or
11 by a family or household member upon a minor child of
12 a family or household member:

13 A. Attempting to cause or causing bodily injury
14 or offensive physical contact; or

15 B. Attempting to place or placing another in
16 fear of imminent bodily injury.

17 Emergency clause. In view of the emergency cited
18 in the preamble, this Act shall take effect when ap-
19 proved.

1

STATEMENT OF FACT

2 Public Law 1985, chapter 495, amended the protec-
3 tion from abuse law to permit the court to issue or-
4 ders enjoining a family or household member, defined
5 as an adult family or household member, from abusing
6 or threatening to abuse a child of the relevant fami-
7 ly or household. Prior to 1985, the protection from
8 abuse law pertained to abuse between adults only. In
9 providing protection for children under this law,
10 Public Law 1985, chapter 495, inadvertently neglected
11 to amend the definition of "abuse" contained in the
12 law so that "abuse" refers to abuse by adults upon
13 children, as well as between adults. This bill
14 amends the definition of "abuse" to clarify that Pub-
15 lic Law 1985, chapter 495, extends the reach of the
16 protection from abuse law to children.

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