

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2157

H.P. 1579 House of Representatives, February 1, 1988
Submitted by the Department of Public Safety pursuant to
Joint Rule 24.

Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MARSANO of Belfast.

Cosponsored by Senator GAUVREAU of Androscoggin,
Representatives THISTLE of Dover-Foxcroft and PARADIS of
Augusta.

STATE OF MAINE

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

1 **AN ACT to Amend the Harassment Law.**
2

3 Be it enacted by the People of the State of Maine as
4 follows:

5 **Sec. 1. 5 MRSA §4651, sub-§2, as enacted by PL**
6 **1987, c. 515, §1, is amended to read:**

7 2. Harassment. "Harassment" means any repeated
8 act of intimidation, harassment, physical force or
9 threat of physical force ~~whether-or-not-performed~~

1 under color of law, directed against any person,
2 family or their property or advocate with the
3 intention of causing fear or intimidation or to deter
4 free exercise or enjoyment of any rights or privileges
5 secured by the Constitution of Maine and the United
6 States Constitution. This definition does not include
7 any act protected by the constitutional guarantee of
8 free speech.

9 **Sec. 2.** 5 MRSA §4659, sub-§2, as enacted by PL
10 1987, c. 515, §1, is repealed and the following
11 enacted in its place:

12 2. Warrantless arrest. Notwithstanding any
13 statutory provision to the contrary, an arrest for
14 criminal violation of an order or consent agreement
15 may be made without warrant upon probable cause
16 whether or not the violation is committed in the
17 presence of the law enforcement officer. The law
18 enforcement officer may verify, if necessary, the
19 existence of a protective order by telephone or radio
20 communication with a law enforcement agency with
21 knowledge of the order.

22 **Sec. 3.** 5 MRSA §4660, as enacted by PL 1987, c.
23 515, §1, is repealed.

24 **Sec. 4.** 5 MRSA §4660-A is enacted to read:

25 §4660-A. Law enforcement agency responsibilities

26 1. Reports. Each law enforcement agency shall
27 report all incidents of harassment as required by the
28 State Bureau of Identification under Title 25, section
29 1544.

30 2. Agency procedures. Law enforcement agencies
31 shall establish procedures to verify the effective
32 dates and terms of any recorded protection order.

33 3. Officer training. Law enforcement agencies
34 shall provide officers employed by them with an
35 education and training program designed to inform the
36 officers of the problems of harassment, procedures to
37 deal with these problems and the provisions of this

1 chapter. The amount and degree of officer training,
2 beyond the distribution of information, shall be
3 determined by each local law enforcement agency.

4 4. Officer responsibilities. Whenever a law
5 enforcement officer has reason to believe that a
6 person has been a victim of harassment, the officer
7 shall immediately use all reasonable means to prevent
8 further harassment, including:

9 A. Remaining on the scene as long as he
10 reasonably believes there is a danger to the
11 physical safety of that person without the
12 presence of a law enforcement officer;

13 B. Assisting that person in obtaining medical
14 treatment necessitated by an assault;

15 C. Giving that person written notice of his
16 rights, which shall include information
17 summarizing the procedures and relief available to
18 victims of harassment; or

19 D. Arresting the harassing party with or without
20 a warrant pursuant to section 4659, subsection 2.

21 Sec. 5. 17 MRSA c. 93-C, as enacted by PL 1987,
22 c. 515, §2, is repealed.

23 STATEMENT OF FACT

24 The purpose of this bill is to amend the Maine
25 Revised Statutes, Title 5, chapter 337-A, which refers
26 to protective orders for harassment and to repeal
27 Title 17, chapter 93-C, so that law enforcement
28 responsibilities and procedures in regard to
29 harassment will be clarified and made workable.

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