

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 721

S.P. 275

In Senate, March 13, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin.

Cosponsored by Representative MARSANO of Belfast, Representative CONLEY of Portland and Representative HASTINGS of Fryeburg.

STATE OF MAINE

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

An Act to Amend the Protection From Harassment Laws.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **5 MRSA §4654, sub-§2,** as amended by PL 1987, c. 708, §4, is
5 further amended to read:

7 **2. Temporary orders.** The court may enter any temporary
9 orders, authorized under subsection 4, without written or oral
11 notice to the defendant or his the defendant's attorney if:

13 **A.** It appears clearly from a verified petition or an
15 affidavit accompanying the petition that:

17 (1) Before the defendant or his the defendant's
19 attorney can be heard, the plaintiff may be in
21 immediate and present danger of physical abuse from the
23 defendant or may--suffer is in immediate and present
25 danger of suffering extreme emotional distress as a
result of the defendant's conduct;

27 (2) Either the plaintiff has or has not contacted any
29 law enforcement officials concerning the alleged
31 harassment; and

33 (3) The plaintiff has provided sufficient information
35 to substantiate the alleged harassment;

37 **B.** When reasonable, the plaintiff or the court has made
39 reasonable efforts to give written or oral notice to the
41 defendant or his the defendant's attorney that the plaintiff
is seeking a temporary order; and

C. The court provides written reasons for entering a
temporary order.

37 **STATEMENT OF FACT**

39 The purpose of this bill is to require the plaintiff to show
41 that the plaintiff is in immediate danger and to allow the court
to focus its attention on the persons who are in need of
immediate relief.