MAINE STATE LEGISLATURE

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	L.D. 2221					
2	/=!-! ·- ·- ·- 1110)					
4	(Filing No. H-1113)					
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8	STATE OF MAINE HOUSE OF REPRESENTATIVES 115TH LEGISLATURE					
10	SECOND REGULAR SESSION					
12	COMMITTEE AMENDMENT " $\hat{\mathcal{H}}$ " to H.P. 1574, L.D. 2221, Bill, "A					
14	Act to Limit to the District Court the Authority to Issue Order in Domestic Abuse Cases"					
16						
18	Amend the bill by striking out the title and substituting the following:					
20	'An Act Pertaining to the Issuance of Orders in Domestic Abus and Harassment Cases'					
22						
24	Further amend the bill by striking out everything after th title and before the statement of fact and inserting in its place					
26	the following:					
28	Be it enacted by the People of the State of Maine as follows:					
30	Sec. 1. 5 MRSA $\S4651$, sub- $\S1$, as enacted by PL 1987, c. 515 $\S1$, is amended to read:					
32	 Court. "Court" means any District Court erSuperie Geuft. 					
34	Soc 7 5 MDCA \$4657					
36	Sec. 2. 5 MRSA §4652, as amended by PL 1987, c. 708, §2, i further amended to read:					
38	§4652. Filing of petition; jurisdiction					
40	Proceedings under this chapter shall <u>must</u> be filed, heard and determined in the District Court ex-Superior-Geurt of the					
42	division er-eeunty in which either the plaintiff or the defendant resides. If the plaintiff has left the plaintiff's residence to					
44	avoid harassment, the plaintiff may bring an action in the division er-county of the plaintiff's previous residence or new					
46	residence.					
48	The District Court has jurisdiction over protection from					
	harassment petitions. If a District Court judge is not available					
50	in the division in which a complaint requesting a temporary order					

Page 1-LR3054(2)

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District Court judge	or to any	Superior	Court	justice	who has	the
same authority as	-	_		-		_
temporary order.						

- Sec. 3. 5 MRSA §4654, sub-§3, ¶¶A and B, as enacted by PL 1987, c. 515, §1, are amended to read:
- A. When there is no judge available in the District Court having venue or the District Court courthouse is closed and no other provision can be made for protection of a victim of harassment, a petition may be filed-before presented to any Judge judge of the District Court or Justice of the Superior Court. Upon a meeting of the requirements of subsection 2, the court may enter any temporary orders, authorized under subsection 4, as it-deems the court considers necessary to protect the plaintiff from harassment.
- B. If a petition is filed presented under this subsection, the petition and any order issued pursuant to it-shall the petition must be immediately certified to the clerk of the District Court er-Superior-Geurt having venue for filing.

 This certification to the court shall-have has the effect of commencing proceedings and invoking the other provisions of this chapter.
 - Sec. 4. 19 MRSA §762, sub-§3, as enacted by PL 1979, c. 578, §5, is amended to read:
- 3. Court. "Court" means any district—or—superior—eourt

 30 District Court.
- Sec. 5. 19 MRSA §763, as amended by PL 1983, c. 583, §26, is further amended to read:

§763. Filing of complaint; jurisdiction

Proceedings under this chapter shall must be filed, heard and determined in the District Court of Superior Gourt of the division of equaty in which either the plaintiff or the defendant resides. If the plaintiff has left his the plaintiff's residence to avoid abuse, he the plaintiff may bring an action in the division of equaty of his the plaintiff's previous residence or of his new residence.

The District Court has jurisdiction over protection from abuse petitions. If a District Court judge is not available in the division in which a complaint requesting a temporary order is to be filed, the complaint may be presented to any other District Court judge or to any Superior Court justice who has the same

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authority as a District Court judge to grant or deny the temporary order.

- Sec. 6. 19 MRSA §765, sub-§2, as amended by PL 1989, c. 862, §13, is further amended to read:
- 2. Temporary orders. The court may enter any temporary orders authorized under subsection 4 as it considers necessary to protect the plaintiff or minor child from abuse, on good cause shown in an ex parte proceeding, which the court shall hear and determine as expeditiously as practicable after the filing of a complaint. Immediate and present danger of abuse to the plaintiff or minor child constitutes good cause. Any order remains in effect pending a hearing pursuant to subsection 1. If the complaint is filed initially in the Superior Court, the justice, after authorizing any temporary order under this section, may order that further proceedings be transferred to the District Court of the division in which either the plaintiff or the defendant resides.
 - Sec. 7. 19 MRSA §965, sub-§3, ¶A, as amended by PL 1985, c. 495, §13, is further amended to read:
 - A. When there is no judge available in the District Court having venue or the District Court courthouse is closed and no other provision can be made for the shelter of an abused family or household member or minor child, a complaint may be filed-before presented to any District Court Judge judge or Superior Court Justice. Upon a showing of good cause, as defined in subsection 2, the court may enter any temporary orders authorized under subsection 4 as it deems considers necessary to protect the plaintiff or minor child from abuse.
 - Sec. 8. 19 MRSA §965, sub-§3, ¶B, as repealed and replaced by PL 1981, c. 420, §5, is amended to read:
 - B. If a complaint is filed presented under this subsection, that complaint and any order issued pursuant to it shall must be forwarded immediately to the clerk of the District Court er-Superier-Geurt having venue for filing.
 - Sec. 9. 19 MRSA §965, sub-§4, ¶B, as enacted by PL 1979, c. 578, §§5 and 7, is amended to read:
 - B. Threatening, assaulting, molesting, harassing, attacking or otherwise disturbing the peace of the plaintiff;
- Sec. 10. 19 MRSA §766, sub-§1, ¶A, as enacted by PL 1979, c. 578, §§5 and 7, is amended to read:

Page 3-LR3054(2)

2	A. Directing the defendant to refrain from the threatening, assaulting, molesting, <u>harassing</u> , attacking or otherwise
4	abusing the plaintiff and any minor children residing in the household;
6	Coo 11 10 Barbea 2766 on 12 1 mc
8	Sec. 11. 19 MRSA §766, sub-§1, ¶G, as amended by PL 1989, c. 834, Pt. B, §12 and c. 862, §17, is repealed and the following enacted in its place:
10	
12	G. Ordering the payment of temporary support for the dependent party, or any child in the dependent party's custody in accordance with chapter 7, subchapter I-A, or
14	both, when there is a legal obligation to support that person, that child, or both;
16	
18	STATEMENT OF FACT
20	Whis spendwent wonlars the bill It wasters the
22	This amendment replaces the bill. It revises the jurisdiction of the District Court and Superior Court regarding issuance of protection from abuse and protection from harassment
24	orders. The changes are more consistent with the jurisdiction of the District Court and the Superior Court regarding the issuance
26	of child protective orders.
28	The amendment removes jurisdiction from the Superior Court to hear and adjudicate protection from harassment and protection
30	from abuse cases, except that a Superior Court Justice may issue a temporary protection order. This provides protection to
3.2	petitioners when a District Court judge is unavailable. If a Superior Court Justice issues a temporary order, the case is
34	still docketed in the District Court and all further proceedings must be conducted in the District Court.
36	The amendment makes more consistent the activities that can
38	be enjoined by a temporary protection order and a permanent protection order.
40	The amendment also connects a tasked at a second
42	The amendment also corrects a technical conflict created when 2 chapters of the Public Laws of 1989 amended the same paragraph.
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Reported by the Committee on Judiciary.
Reproduced and distributed under the direction of the Clerk of the House.
(3/13/92) (Filing No. H-1113)