

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1574, L.D. 2221, Bill, "An Act to Limit to the District Court the Authority to Issue Orders in Domestic Abuse Cases"

Amend the bill by striking out the title and substituting the following:

'An Act Pertaining to the Issuance of Orders in Domestic Abuse and Harassment Cases'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

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

1. Court. "Court" means any District Court ~~or Superior Court~~.

Sec. 2. 5 MRSA §4652, as amended by PL 1987, c. 708, §2, is further amended to read:

§4652. Filing of petition; jurisdiction

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

The District Court has jurisdiction over protection from harassment 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

2 District Court judge or to any Superior Court justice who has the
3 same authority as a District Court judge to grant or deny the
4 temporary order.

5 **Sec. 3. 5 MRSA §4654, sub-§3, ¶¶A and B, as enacted by PL 1987,**
6 **c. 515, §1, are amended to read:**

8 **A. When there is no judge available in the District Court**
9 **having venue or the District Court courthouse is closed and**
10 **no other provision can be made for protection of a victim of**
11 **harassment, a petition may be filed before presented to any**
12 **Judge judge of the District Court or Justice of the Superior**
13 **Court. Upon a meeting of the requirements of subsection 2,**
14 **the court may enter any temporary orders, authorized under**
15 **subsection 4, as it deems the court considers necessary to**
16 **protect the plaintiff from harassment.**

18 **B. If a petition is filed presented under this subsection,**
19 **the petition and any order issued pursuant to it shall the**
20 **petition must be immediately certified to the clerk of the**
21 **District Court ~~or Superior Court~~ having venue for filing.**
22 **This certification to the court shall have has the effect of**
23 **commencing proceedings and invoking the other provisions of**
24 **this chapter.**

26 **Sec. 4. 19 MRSA §762, sub-§3, as enacted by PL 1979, c. 578,**
27 **§5, is amended to read:**

28 **3. Court. "Court" means any ~~district or superior court~~**
29 **District Court.**

32 **Sec. 5. 19 MRSA §763, as amended by PL 1983, c. 583, §26, is**
33 **further amended to read:**

34 **§763. Filing of complaint; jurisdiction**

36 **Proceedings under this chapter shall must be filed, heard**
37 **and determined in the District Court ~~or Superior Court~~ of the**
38 **division ~~or county~~ in which either the plaintiff or the defendant**
39 **resides. If the plaintiff has left his the plaintiff's residence**
40 **to avoid abuse, he the plaintiff may bring an action in the**
41 **division ~~or county~~ of his the plaintiff's previous residence or**
42 **~~of his~~ new residence.**

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

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

4 Sec. 6. 19 MRSA §765, sub-§2, as amended by PL 1989, c. 862,
5 §13, is further amended to read:

6
7 2. Temporary orders. The court may enter any temporary
8 orders authorized under subsection 4 as it considers necessary to
9 protect the plaintiff or minor child from abuse, on good cause
10 shown in an ex parte proceeding, which the court shall hear and
11 determine as expeditiously as practicable after the filing of a
12 complaint. Immediate and present danger of abuse to the
13 plaintiff or minor child constitutes good cause. Any order
14 remains in effect pending a hearing pursuant to subsection 1. ~~If~~
15 ~~the complaint is filed initially in the Superior Court, the~~
16 ~~justice, after authorizing any temporary order under this~~
17 ~~section, may order that further proceedings be transferred to the~~
18 ~~District Court of the division in which either the plaintiff or~~
19 ~~the defendant resides.~~

20
21 Sec. 7. 19 MRSA §965, sub-§3, ¶A, as amended by PL 1985, c.
22 495, §13, is further amended to read:

23 A. When there is no judge available in the District Court
24 having venue or the District Court courthouse is closed and
25 no other provision can be made for the shelter of an abused
26 family or household member or minor child, a complaint may
27 be filed before presented to any District Court Judge judge
28 or Superior Court Justice. Upon a showing of good cause, as
29 defined in subsection 2, the court may enter any temporary
30 orders authorized under subsection 4 as it deems considers
31 necessary to protect the plaintiff or minor child from abuse.

32
33 Sec. 8. 19 MRSA §965, sub-§3, ¶B, as repealed and replaced by
34 PL 1981, c. 420, §5, is amended to read:

35
36 B. If a complaint is filed presented under this subsection,
37 that complaint and any order issued pursuant to it shall
38 must be forwarded immediately to the clerk of the District
39 Court ~~or Superior Court~~ having venue for filing.

40
41 Sec. 9. 19 MRSA §965, sub-§4, ¶B, as enacted by PL 1979, c.
42 578, §§5 and 7, is amended to read:

43
44 B. Threatening, assaulting, molesting, harassing, attacking
45 or otherwise disturbing the peace of the plaintiff;

46
47 Sec. 10. 19 MRSA §766, sub-§1, ¶A, as enacted by PL 1979, c.
48 578, §§5 and 7, is amended to read:

