

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2221

H.P. 1574

House of Representatives, January 27, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MARSANO of Belfast.

Cosponsored by Representative RICHARDS of Hampden and Senator CAHILL of
Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Limit to the District Court the Authority to Issue Orders in
Domestic Abuse Cases.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, jurisdiction for the entry and issuance of orders for protection of abuse currently is granted to both District Courts and Superior Courts; and

Whereas, parties to protection from abuse matters sometimes get conflicting orders from 2 different courts; and

Whereas, the conflict and confusion resulting from the issuance of 2 different and valid orders results in uncertainty and in a decrease in security for the person whom the law is attempting to protect; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

19 MRSA §765-A is enacted to read:

§765-A. Issuance of orders

If the complaint is heard in the District Court, the court hearing the complaint may enter the order of protection or consent agreement and may issue the order of protection. If the complaint is heard in the Superior Court, the court hearing the complaint may enter the order of protection or consent agreement and shall forward the order to the District Court for issuance of the order. An order may not be entered if a conflicting order of protection is in effect.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill limits to the District Court the authority to issue protection orders in abuse cases. Entry of the order of protection or the consent agreement may still be done in Superior Court but issuance of the order is only done by the District Court. An order may not be entered if there is a conflicting order in effect.