

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 769

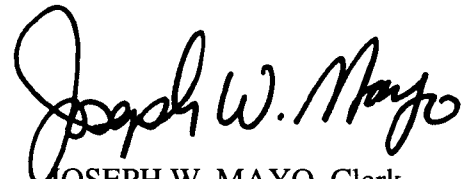
H.P. 568

House of Representatives, March 9, 1995

**An Act to Conform Maine Law Related to Domestic Relations with  
Federal Law.**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative BUNKER of Kossuth Township.  
Cosponsored by Representatives: AHEARNE of Madawaska, DRISCOLL of Calais, GERRY  
of Auburn, KILKELLY of Wiscasset, POULIN of Oakland, SAXL of Bangor, WATSON of  
Farmingdale, WHEELER of Bridgewater, Senator: FAIRCLOTH of Penobscot.

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

2  
4       **Sec. 1. 15 MRSA §321, sub-§6**, as enacted by PL 1983, c. 619,  
is amended to read:

6       **6. Penalty.** Violation of a protective order or of any  
7       similar order issued by any court of the United States or of any  
8       other state, territory, commonwealth or tribe, when the person  
9       has prior actual notice of the order, is a Class D crime.  
10       Notwithstanding any statutory provision to the contrary, an  
11       arrest for violation of a protective order may be without warrant  
12       upon probable cause whether or not the violation is committed in  
13       the presence of the law enforcement officer. The law enforcement  
14       officer may verify, if necessary, the existence of a protective  
15       order by telephone or radio communication with a law enforcement  
16       agency with knowledge of the order.

18       **Sec. 2. 15 MRSA §393, sub-§1, ¶¶B and C**, as enacted by PL 1993,  
19       c. 368, §1, are amended to read:

20       B. Has been convicted of a crime, under the laws of the  
21       United States, this State or any other state, that was  
22       committed with the use of a dangerous weapon or a firearm  
23       against a person, except for a violation of former Title 12,  
24       chapter 319, subchapter III; ~~or~~

25       C. Has been adjudicated in this State or under the laws of  
26       the United States or any other state to have engaged in  
27       conduct as a juvenile that, if committed by an adult, would  
28       have been a disqualifying conviction:

29       (1) Under paragraph A and bodily injury to another  
30       person was threatened or resulted; or

31       (2) Under paragraph B ~~;~~ or

32       **Sec. 3. 15 MRSA §393, sub-§1, ¶D** is enacted to read:

33       D. Is subject to an order of a court of the United States  
34       or of any state, territory, commonwealth or tribe that  
35       restrains that person from harassing, stalking or  
36       threatening an intimate partner, as the term is defined in  
37       18 United States Code, Section 921(a), of that person or a  
38       child of the intimate partner or that person, or from  
39       engaging in other conduct that would place the intimate  
40       partner in reasonable fear of bodily injury to the intimate  
41       partner or the child, except that this paragraph applies  
42       only to a court order that:

2           (1) Was issued after a hearing for which that person  
3           received actual notice and at which that person had the  
4           opportunity to participate;

5           (2) Includes a finding that that person represents a  
6           credible threat to the physical safety of an intimate  
7           partner or a child; or

8           (3) By its terms explicitly prohibits the use,  
9           attempted use or threatened use of physical force  
10           against an intimate partner or a child that would  
11           reasonably be expected to cause bodily injury.  
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### STATEMENT OF FACT

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19           The Violent Crime Control and Law Enforcement Act of 1994,  
20           VCCA, as enacted by the United States Congress, requires states  
21           to give full faith and credit to certain domestic violence  
22           protection from abuse orders issued by other states. This bill  
23           gives effect to the VCCA in a form that will make it readily  
24           enforceable by the State's courts and law enforcement.

24

25           This bill also amends state law to prohibit the possession  
26           of firearms by persons who are the subject of certain protective  
            orders relating to domestic violence.