

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1121

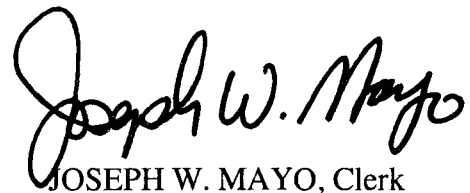
H.P. 798

House of Representatives, February 9, 1999

**An Act to Clarify the Laws Governing Service of Protection from Abuse
Orders in Court.**

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative JABAR of Waterville.
Cosponsored by Representatives: BRYANT of Dixfield, LaVERDIERE of Wilton, MUSE of
South Portland, POWERS of Rockport, WATSON of Farmingdale.

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

4
6 **Whereas,** it has recently become apparent that the laws
governing service of protection from abuse orders were not
amended to allow for service by court security officers when the
8 statutory authority for those officers was established; and

10 **Whereas,** in many counties, court security officers are often
the only law enforcement personnel in a courthouse during civil
12 proceedings, including protection from abuse cases; and

14 **Whereas,** the best opportunity for service on a defendant is
often when the defendant is in court and the opportunity for
16 service may be lost if a court security officer is not authorized
to handle this task; and

18
20 **Whereas,** the safety and security of a person who has been
issued a protection from abuse order may be at greater risk while
the order is unserved; and

22
24 **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
26 necessary for the preservation of the public peace, health and
safety; now, therefore,

28
30 **Be it enacted by the People of the State of Maine as follows:**

32 **Sec. 1. 19-A MRSA §4006, sub-§6,** as enacted by PL 1995, c.
694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

34 **6. Service of order.** If the court issues a temporary order
or orders emergency or interim relief, it the court shall order
36 an appropriate law enforcement agency, or, if the defendant is
present in the courthouse, a court security officer qualified
38 pursuant to Title 4, section 17, subsection 15, to serve the
defendant personally with the order, the complaint and the
40 summons. To protect the plaintiff, the court may order the
omission or deletion of the plaintiff's address from papers
42 served on the defendant. The court shall cause the order to be
delivered to the law enforcement agency or court security officer
44 as soon as practicable following the issuance of the order and
the law enforcement agency or court security officer shall make a
46 good faith effort to serve process expeditiously.

48 **Sec. 2. 19-A MRSA §4007, sub-§6,** as enacted by PL 1995, c.
694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

