

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

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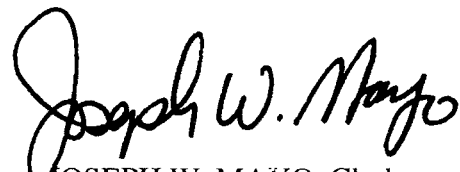
H.P. 1624

House of Representatives, December 9, 1999

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

(EMERGENCY)

Submitted by the Judicial Department pursuant to Joint Rule 204.
Received by the Clerk of the House on December 7, 1999. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.


JOSEPH W. MAYO, Clerk

Presented by Representative SCHNEIDER of Durham.

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 harassment orders were not
amended to allow for service by court security officers when the
8 statutory authority for those officers was established and when
the law was amended to clarify the laws governing service of
10 protection from abuse orders in court; and

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

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

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

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

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

32 **Sec. 1. 5 MRSA §4654, sub-§5,** as enacted by PL 1987, c. 515,
34 §1, is amended to read:

36 **5. Service of order.** If the court issues a temporary order
or orders emergency or interim relief, ~~it~~ the court shall order a
38 law enforcement agency or, if the defendant is present in the
courthouse, a court security officer qualified pursuant to Title
40 4, section 17, subsection 15 to serve the defendant personally
with the order, the petition and the summons. To protect the
42 plaintiff, the court may order the omission or deletion of the
plaintiff's address from any papers served on the defendant.

44 **Sec. 2. 5 MRSA §4655, sub-§6,** as enacted by PL 1987, c. 515,
46 §1, is amended to read:

48 **6. Law enforcement agency to serve defendant.** The court
shall order a law enforcement agency or, if the defendant is
50 present in the courthouse, a court security officer qualified

2 pursuant to Title 4, section 17, subsection 15 to serve the
defendant personally with any protective order or consent decree.

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

6
8 **SUMMARY**

10 This bill allows a court security officer qualified pursuant
12 to the Maine Revised Statutes, Title 4, section 17, subsection 15
to serve a defendant personally with any protective order or
consent decree if the defendant is present in the courthouse.