

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 862

H.P. 662

House of Representatives, February 15, 2001

**An Act to Clarify the Jurisdiction and Qualifications for Protection from Abuse Hearings.**

(EMERGENCY)

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BLANCHETTE of Bangor.  
Cosponsored by Senator SAWYER of Penobscot and  
Representatives: BROOKS of Winterport, CHIZMAR of Lisbon, JONES of Greenville,  
LEDWIN of Holden, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, O'BRIEN of  
Lewiston, POVICH of Ellsworth.

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

6           **Whereas,** protection from abuse and protection from  
harassment actions inherently involve a potential for violence  
8 and further intimidation; and

10           **Whereas,** a judge, with access to court security, is best  
able to ensure the physical and psychological safety of parties  
12 and their families in such actions; and

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

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

22           **Sec. 1. 5 MRSA §4652,** as amended by PL 1995, c. 650, §2, is  
further amended by adding after the first paragraph a new  
24 paragraph to read:

26           Proceedings under this chapter must be presided over by a  
judge or justice and may not be referred to a referee unless both  
28 parties agree and the court provides the equivalent of court  
security for all proceedings conducted by the referee.

30           **Sec. 2. 19-A MRSA §4003,** as enacted by PL 1995, c. 694, Pt.  
32 B, §2 and affected by Pt. E, §2, is amended by adding after the  
first paragraph a new paragraph to read:

34           Proceedings under this chapter must be presided over by a  
36 judge or justice and may not be referred to a referee unless both  
parties agree and the court provides the equivalent of court  
38 security for all proceedings conducted by the referee.

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

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#### SUMMARY

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46           This bill requires that protection from harassment  
proceedings and protection from abuse proceedings may be referred  
to a referee only if all the parties agree and the court provides  
48 the equivalent of court security for the proceedings conducted by  
the referee.