

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 954

H.P. 734

House of Representatives, February 20, 2001

An Act to Amend the Protection from Abuse and Protection from Harassment Laws.

Submitted by the Judicial Department pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative WATERHOUSE of Bridgton.
Cosponsored by Senator McALEVEY of York and
Representatives: MADORE of Augusta, SCHNEIDER of Durham.

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

4 **Sec. 1. 5 MRSA §4651, sub-§2, ¶C**, as enacted by PL 1995, c. 650, §1, is amended to read:

6 C. A single act or course of conduct constituting a
8 violation of section 4681; Title 17, section 2931; or Title
10 17-A, sections 201, 202, 203, 204, 207, 208, 209, 210,
210-A, 211, 253, 301, 302, 303, 506-A, 511, 556, 802, 805 or
12 806.

14 **Sec. 2. 5 MRSA §4654, sub-§5**, as amended by PL 1999, c. 542,
16 §1, is further amended to read:

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

24 **Sec. 3. 5 MRSA §4655, sub-§1, ¶C-2** is enacted to read:

26 C-2. Directing the defendant to refrain from having any
28 direct or indirect contact with the plaintiff:

30 **Sec. 4. 5 MRSA §4656**, as enacted by PL 1987, c. 515, §1, is
repealed and the following enacted in its place:

32 **§4656. Identifying information sealed**

34 If a party alleges in an affidavit or a pleading under oath
36 that the health, safety or liberty of a party or child would be
38 jeopardized by disclosure of identifying information, the
40 information must be sealed by the clerk and not disclosed to the
42 other party or to the public unless the court orders the
disclosure to be made after a hearing in which the court takes
into consideration the health, safety or liberty of the party or
child and determines that the disclosure is in the interest of
justice.

44 **Sec. 5. 19-A MRSA §4006, sub-§6**, as amended by PL 1999, c. 67,
46 §1, is further amended to read:

48 **6. Service of order.** If the court issues a temporary order
50 or orders emergency or interim relief, the court shall order an
appropriate law enforcement agency, or, if the defendant is
present in the courthouse, a court security officer qualified

2 pursuant to Title 4, section 17, subsection 15, to serve the
defendant personally with the order, the complaint and the
summons. ~~To protect the plaintiff, the court may order the~~
4 ~~emission or deletion of the plaintiff's address from papers~~
served on the defendant. The court shall cause the order to be
6 delivered to the law enforcement agency or court security officer
as soon as practicable following the issuance of the order and
8 the law enforcement agency or court security officer shall make a
good faith effort to serve process expeditiously.

10 **Sec. 6. 19-A MRSA §4007, sub-§1, ¶A-2** is enacted to read:

12 A-2. Prohibiting the defendant from the use, attempted use
14 or threatened use of physical force that would reasonably be
16 expected to cause bodily injury against the plaintiff or a
minor child residing in the household;

18 **Sec. 7. 19-A MRSA §4008**, as enacted by PL 1995, c. 694, Pt.
B, §2 and affected by Pt. E, §2, is repealed and the following
20 enacted in its place:

22 **§4008. Identifying information sealed**

24 If a party alleges in an affidavit or a pleading under oath
26 that the health, safety or liberty of a party or child would be
jeopardized by disclosure of identifying information, the
28 information must be sealed by the clerk and not disclosed to the
other party or to the public unless the court orders the
30 disclosure to be made after a hearing in which the court takes
into consideration the health, safety or liberty of the party or
32 child and determines that the disclosure is in the interest of
justice.

34 SUMMARY

36 This bill makes the following changes to the laws governing
38 protection from abuse and protection from harassment.

40 1. It extends the definition of "harassment" to conduct
42 constituting stalking and violation of privacy. It also expands
the definition of "harassment" by adding the term "course of
44 conduct" to accommodate the inclusion of stalking.

46 2. It makes violations of provisions in permanent
protection from harassment orders that direct a defendant to
48 refrain from having contact with a plaintiff punishable
criminally by conferring express authority for these provisions.

50

2 3. It allows the clerk of court to seal identifying
information in protection from abuse and protection from
harassment cases.

4

6 4. It criminalizes the use, attempted use or threatened use
of physical force in violation of a protection from abuse order
by conferring express authority for such a provision.