

MAINE STATE LEGISLATURE

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DATE: *March 25, 2002* (Filing No. S-509)

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1658, L.D. 2163, Bill, "An Act to Implement the Recommendations of the Commission to Study Domestic Violence"

Amend the amendment by adding after Part A a new Part B to read:

PART B

Sec. B-1. 19-A MRSA §4006, sub-§5, ¶¶E and F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

E. Taking, converting or damaging property in which the plaintiff may have a legal interest; or

F. Having any direct or indirect contact with the plaintiff; or

Sec. B-2. 19-A MRSA §4006, sub-§5, ¶G is enacted to read:

G. Possessing a firearm or other dangerous weapon for the duration of the order, if the court determines that one or more acts of alleged abuse were committed with the use, or threatened use, of a firearm or other dangerous weapon.

Sec. B-3. 19-A MRSA §4006, sub-§9 is enacted to read:

9. Notification; acceptance of service. The person serving an order that has a condition pursuant to subsection 5, paragraph G shall notify the defendant of the rights regarding acceptance

of service. The order must contain a statement that the
defendant may either:

A. Accept service of the order with the condition that the
defendant not possess a firearm or other dangerous weapon
for the duration of the order. Acceptance of the order with
the condition constitutes waiver of a right to hearing prior
to the imposition of the condition and the condition is
deemed in effect for the duration of the order; or

B. Accept service of the order but contest the condition
that the defendant not possess a firearm or other dangerous
weapon for the duration of the order. Contesting the
condition constitutes a request for an expedited hearing on
the condition to be held within 48 hours, or as soon as
practicable thereafter, and suspends operation of the
condition. Notice of the hearing must be given to the
plaintiff as soon as practicable. At the hearing, the court
may determine whether the condition becomes operational or
may remove it from the order. The court may also attach
exceptions and limitations to the condition as appropriate
to accommodate the defendant's employment situation. If the
defendant fails to appear at the expedited hearing, the
court shall determine that the condition is operational.

A condition that is operational in an order that prohibits the
defendant from possessing a firearm or the dangerous weapon for
the duration of the order supersedes any otherwise valid permit
to have or possess a firearm or other dangerous weapon, including
a concealed firearms permit.

Sec. B-4. Appropriations and allocations. The following
appropriations and allocations are made.

JUDICIAL, DEPARTMENT OF

Courts - Supreme, Superior and District

Initiative: Provides one-time funds to make the computer
changes necessary to allow for a variation in the conditions of
certain protection orders.

| | | |
|---------------------|----------------|----------------|
| General Fund | 2001-02 | 2002-03 |
| All Other | \$0 | \$36,300' |

Further amend the amendment by relettering or renumbering
any nonconsecutive Part letter or section number to read
consecutively.

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FISCAL NOTE

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2002-03

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APPROPRIATIONS/ALLOCATIONS

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General Fund

\$36,300

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12 This amendment includes a one-time General Fund
14 appropriation of \$36,300 in fiscal year 2002-03 for the Judicial
16 Department to support the additional computer-related costs
18 associated with allowing a variation in the conditions of certain
20 protection orders.

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SUMMARY

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22 This amendment authorizes the court to prohibit the
24 possession of firearms if the court determines that one or more
26 acts of alleged abuse were committed with the use or threatened
28 use of a firearm or dangerous weapon. This amendment also adds
30 language that requires that the person serving the order must
32 notify the defendant of the rights regarding acceptance of
34 service, and that the defendant can either accept the condition
36 or contest the condition, in which case the process for an
38 expedited hearing on the condition is triggered.

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SPONSORED BY:

34

(Senator DOUGLASS)

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COUNTY: Androscoggin

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