

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 326

H.P. 262

House of Representatives, February 3, 2009

An Act To Allow the Request for and Granting of Permanent Protection from Abuse Orders

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CAMPBELL of Newfield.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: DILL of Cape Elizabeth, Speaker PINGREE of North Haven, ROSEN of
Bucksport, ROTUNDO of Lewiston, STRANG BURGESS of Cumberland, TARDY of
Newport, WEBSTER of Freeport, Senator: COURTNEY of York.

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

2 **Sec. 1. 15 MRSA §321, sub-§3**, as enacted by PL 1983, c. 619, is amended to
3 read:

4 **3. Scope of order.** A protective order may be a condition of release. It may require
5 the offender:

6 A. To stay away from the home, school, business or place of employment of the
7 victim;

8 B. Not to visit, or to visit only at certain times or under certain conditions, a child
9 residing with the victim; or

10 C. Not to do specific acts ~~which~~ that the court finds may harass, torment or threaten
11 the victim.

12 The court may issue a permanent protective order pursuant to this section.

13 **Sec. 2. 19-A MRSA §4005, sub-§2, ¶B**, as enacted by PL 1995, c. 694, Pt. B, §2
14 and affected by Pt. E, §2, is amended to read:

15 B. If a judge is unavailable to review a request for ~~temporary~~ relief under this
16 chapter, the clerk shall immediately notify the plaintiff of other courts at which a
17 judge or justice is available.

18 **Sec. 3. 19-A MRSA §4005, sub-§3**, as enacted by PL 1995, c. 694, Pt. B, §2 and
19 affected by Pt. E, §2, is amended to read:

20 **3. Forms.** The forms provided by the court must be uniform throughout the State
21 and must include a summons and an affidavit for temporary or permanent emergency
22 relief from abuse. The summons must include a section in which to list places where the
23 defendant may be located or available to be served. The clerk shall inquire where the
24 defendant may be located or available to be served and list those locations on the
25 summons or direct the plaintiff to do so.

26 **Sec. 4. 19-A MRSA §4007, sub-§2-A** is enacted to read:

27 **2-A. Permanent order.** Notwithstanding subsection 2, the court may grant a
28 permanent protective order once a hearing under section 4006, subsection 1 is held.

29 **SUMMARY**

30 This bill allows a person to request a permanent protection from abuse order from the
31 court and allows the court to issue such an order.