

MAINE STATE LEGISLATURE

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H & S.

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 345, L.D. 483, Bill, "An Act To Improve the Service of Protection from Harassment and Protection from Abuse Orders and the Collection of Restitution by the Department of Corrections"

Amend the bill in section 1 in subsection 5 in the 9th line (page 1, line 12 in L.D.) by inserting after the following: "or" the following: 'chief administrative officer of the'

Amend the bill in section 1 in subsection 5 in the 9th line (page 1, line 12 in L.D.) by inserting after the following: "facility" the following: 'or the chief administrative officer's designee'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 5 MRSA §4655, sub-§6, as amended by PL 1999, c. 542, §2, is further amended to read:

6. Service of order or consent decree. The court shall order a 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; or, if the defendant is in the custody of the Department of Corrections, the chief administrative officer or the chief administrative officer's designee at the correctional facility, to serve the defendant personally with any a protective order or consent decree.'

Amend the bill in section 2 in §1326-A in the 2nd line (page 1, line 18 in L.D.) by striking out the following: "placed on" and inserting the following: 'does not receive a sentence that includes a period of'

Amend the bill in section 2 in §1326-A in the 6th line (page 1, line 22 in L.D.) by striking out the following: "committed to the Department of Corrections or placed on" and inserting the following: 'placed on committed to the Department of Corrections or receives a sentence that includes a period of'

Amend the bill in section 4 in subsection 6 in the 9th line (page 2, line 14 in L.D.) by inserting after the following: "or" the following: 'chief administrative officer of a'

COMMITTEE AMENDMENT

R. G. S.

1 Amend the bill in section 4 in subsection 6 in the 9th line (page 2, line 14 in L.D.) by
2 inserting after the following: "facility" the following: 'or the chief administrative officer's
3 designee'

4 Amend the bill by inserting at the end before the summary the following:

5 'Sec. 5. 19-A MRSA §4007, sub-§6, as amended by PL 1999, c. 67, §2, is further
6 amended to read:

7 **6. Service of order or consent decree.** The court shall order a law enforcement
8 agency; or, if the defendant is present in the courthouse, a court security officer qualified
9 pursuant to Title 4, section 17, subsection 15; or, if the defendant is in the custody of the
10 Department of Corrections, the chief administrative officer or the chief administrative
11 officer's designee at the correctional facility, to serve the defendant personally with a
12 protective order or consent decree.'

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
14 section number to read consecutively.

15 **SUMMARY**

16 This amendment clarifies that the chief administrative officer or the officer's designee
17 is authorized to serve protection from abuse or protection from harassment orders on
18 persons that are incarcerated in a Department of Corrections facility. The amendment
19 also clarifies that this service applies to both temporary and permanent orders.