

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 777

H.P. 528

House of Representatives, February 26, 2009

**An Act To Require Due Process and To Establish Expiration Dates
for Criminal Trespass and Harassment Notices**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative STRANG BURGESS of Cumberland.
Cosponsored by Senator MILLS of Somerset and
Representatives: BEAULIEU of Auburn, CROCKETT of Bethel, DILL of Cape Elizabeth,
MILLETT of Waterford, NASS of Acton, SAVIELLO of Wilton, TARDY of Newport,
Senator: HASTINGS of Oxford.

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

2 **Sec. 1. 17-A MRSA §402, sub-§5** is enacted to read:

3 5. An order not to enter a property given by a law enforcement officer for a property
4 not owned or occupied by the law enforcement officer expires 2 years after it is issued. A
5 person receiving an order under this subsection for a property that is not solely a
6 residence may request a hearing pursuant to Title 5, section 4654. The court shall hold a
7 hearing requested under this subsection within 21 days of the issuance of the order. If a
8 request for temporary, emergency or interim relief is denied, the hearing must be held as
9 soon as practicable.

10 **Sec. 2. 17-A MRSA §506-A, sub-§4** is enacted to read:

11 4. An order issued under subsection 1 expires 2 years after it is issued. A person
12 receiving an order under this subsection without prior court approval under subsection 1,
13 paragraph A may request a hearing pursuant to Title 5, section 4654. The court shall hold
14 a hearing requested under this subsection within 21 days of the issuance of the order. If a
15 request for temporary, emergency or interim relief is denied, the hearing must be held as
16 soon as practicable.

17 **SUMMARY**

18 This bill requires that criminal trespass orders and protection from harassment orders
19 issued by law enforcement officers expire 2 years after they are issued and requires a
20 hearing in District Court within 21 days of the issuance of the order, except for a criminal
21 trespass order concerning a residence.