

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1305

H.P. 902

House of Representatives, April 4, 2017

An Act To Protect Victims of Sexual Assault

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KUMIEGA of Deer Isle.
Cosponsored by Representative PERKINS of Oakland, Senator DILL of Penobscot and
Representatives: DEVIN of Newcastle, MADIGAN of Waterville, PICKETT of Dixfield,
RECKITT of South Portland, REED of Carmel, Senators: BREEN of Cumberland, CYRWAY
of Kennebec, VOLK of Cumberland.

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

2 **Sec. 1. 19-A MRSA §4005, sub-§1-A** is enacted to read:

3 **1-A. Alternative filing for sexual assault victims.** An adult who has been a victim
4 of conduct described as sexual assault in Title 17-A, chapter 11, whether or not the
5 conduct was perpetrated by a family or household member or dating partner, may seek
6 relief by filing a complaint alleging that conduct without regard to whether criminal
7 prosecution has occurred. When a minor child has been a victim of such conduct, the
8 child's parent, other person responsible for the child or a representative of the department
9 may seek relief by filing a petition alleging that conduct.

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

11 D-1. For a petition filed pursuant to section 4005, subsection 1-A, directing the
12 defendant to refrain from knowingly coming within or knowingly remaining within a
13 specified distance of a specified location;

14 **Sec. 3. 19-A MRSA §4007, sub-§2,** as enacted by PL 1995, c. 694, Pt. B, §2 and
15 affected by Pt. E, §2, is amended to read:

16 **2. Duration.** ~~—A—~~ Except as provided in subsection 2-A, a protective order or
17 approved consent agreement is for a fixed period not to exceed 2 years. At the expiration
18 of that time, the court may extend an order, upon motion of the plaintiff, for such
19 additional time as it determines necessary to protect the plaintiff or minor child from
20 abuse. The court may continue the order in effect until the hearing under section 4006,
21 subsection 1 on the motion to extend. Upon motion by either party, for sufficient cause,
22 the court may modify the order or agreement from time to time as circumstances require.

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

24 **2-A. Extended duration.** A protective order or approved consent agreement entered
25 for a proceeding commenced under section 4005, subsection 1-A is for a fixed period of
26 time or may be permanent. At the expiration of a fixed period of time if ordered, the
27 court may extend an order, upon motion of the plaintiff, for such additional time as it
28 determines necessary to protect the plaintiff or minor child from abuse. The court may
29 continue the order in effect until the hearing under section 4006, subsection 1 on the
30 motion to extend. Upon motion by either party for sufficient cause, the court may modify
31 any order or agreement from time to time as circumstances require.

32 **SUMMARY**

33 Current law allows a person who is a victim of a sexual assault described in the
34 Maine Revised Statutes, Title 17-A, chapter 11 to file a petition for a protection order,
35 whether or not the person who committed the assault is a family or household member or
36 dating partner; the duration of the protection order may be for a fixed period not to
37 exceed 2 years. This bill expands the possible duration of a protection order for victims
38 of sexual assault. The bill provides a victim of a sexual assault described in Title 17-A,
39 chapter 11 the opportunity to petition for an order that is a fixed period of time that may

1 be longer than 2 years, including an order that may be permanent. The bill also adds to
2 the kinds of relief that a court may order for a sexual assault victim the requirement that
3 the defendant refrain from knowingly coming within or knowingly remaining within a
4 specified distance of a specified location.