

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1788

H.P. 1235

House of Representatives, January 16, 2018

**An Act To Enhance Safety for Victims of Sexual Assault and
Stalking and To Amend the Laws Governing Harassment and
Protection from Abuse**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 Speaker GIDEON of Freeport.
Cosponsored by Senator ROSEN of Hancock and
Representatives: COREY of Windham, WARREN of Hallowell, Senator: DIAMOND of
Cumberland.

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

2 **Sec. 1. 5 MRSA §4651, sub-§2, ¶C**, as repealed and replaced by PL 2017, c.
3 288, Pt. A, §4, is amended to read:

4 C. A single act or course of conduct constituting a violation of section 4681; Title
5 17, section 2931; or Title 17-A, section 201, 202, 203, 204, 207, 208, 209, 210,
6 210-A, 211, 253, 254, 255-A, 256, 258, 259-A, 259-B, 260, 261, 282, 283, 301, 302,
7 303, 506, 506-A, 511, 511-A, 556, 802, 805, 806, 852 or 853.

8 **Sec. 2. 5 MRSA §4653, sub-§1, ¶B**, as enacted by PL 2011, c. 559, Pt. C, §3, is
9 amended to read:

10 B. If the alleged harassment does not meet the definition in section 4651, subsection
11 2, paragraph C or is not related to an allegation of domestic violence, violence against
12 a dating partner, sexual assault or stalking or harassment as described in Title 17-A,
13 section 506, subsection 1, paragraph A, a copy of a notice to stop harassing the
14 plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection 1,
15 paragraph A, subparagraph (1), division (a) or a statement of good cause why such a
16 notice was not sought or obtained.

17 **Sec. 3. 14 MRSA §6001, sub-§6, ¶H**, as enacted by PL 2015, c. 293, §5, is
18 amended to read:

19 H. When a victim asserts any of the provisions contained within this chapter
20 specifically available to a victim, except for changing locks according to section
21 6025, subsection 1, a victim shall provide to the landlord documentation of the
22 alleged conduct by the perpetrator, including the perpetrator's name. Acceptable
23 documentation includes, but is not limited to:

24 (1) A statement signed by a Maine-based sexual assault counselor as defined in
25 Title 16, section 53-A, subsection 1, paragraph B, an advocate as defined in Title
26 16, section 53-B, subsection 1, paragraph A or a victim witness advocate as
27 defined in Title 16, section 53-C, subsection 1, paragraph C;

28 (2) A statement signed by a health care provider, mental health care provider or
29 law enforcement officer, including the license number of the health care provider,
30 mental health care provider or law enforcement officer if licensed;

31 (3) A copy of a protection from abuse complaint or a temporary order or final
32 order of protection;

33 (4) A copy of a protection from harassment complaint or a temporary order or
34 final order of protection from harassment;

35 (5) A copy of a police report prepared in response to an investigation of an
36 incident of domestic violence, sexual assault or stalking; and

37 (6) A copy of a criminal complaint, indictment or conviction for a domestic
38 violence, sexual assault or stalking charge.

1 **Sec. 4. 17-A MRSA §506, sub-§1, ¶A**, as amended by PL 2011, c. 464, §14 and
2 affected by §30, is further amended to read:

3 A. By means of telephone or electronic communication device the person sends an
4 image or video of a sexual act as defined in section 251, subsection 1, paragraph C;
5 of sexual contact as defined in section 251, subsection 1, paragraph D; or of the
6 actor's or another person's genitals or makes any comment, request, suggestion or
7 proposal that is, in fact, offensively coarse or obscene, without the consent of the
8 person called or contacted;

9 **Sec. 5. 19-A MRSA §4005, sub-§1**, as amended by PL 2015, c. 443, §11, is
10 further amended to read:

11 **1. Filing.** An adult who has been abused by a family or household member or a
12 dating partner may seek relief by filing a complaint alleging that abuse.

13 When a minor child in the care or custody of a family or household member or a dating
14 partner has been abused by a family or household member or a dating partner, a person
15 responsible for the child, as defined in Title 22, section 4002, subsection 9, or a
16 representative of the department may seek relief by filing a petition alleging that abuse.

17 An adult who has been a victim of conduct defined as stalking in Title 17-A, section
18 210-A or described as sexual assault in Title 17-A, chapter 11 or described as
19 unauthorized dissemination of certain private images in Title 17-A, section 511-A or
20 described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or
21 853, respectively, whether or not the conduct was perpetrated by a family or household
22 member or dating partner, may seek relief by filing a complaint alleging that conduct
23 without regard to whether criminal prosecution has occurred. When a minor has been a
24 victim of such conduct or conduct described in Title 17-A, section 282 or 283 or
25 harassment as described in Title 17-A, section 506, subsection 1, paragraph A, the
26 minor's parent, other person responsible for the child or a representative of the department
27 may seek relief by filing a petition alleging that conduct.

28 When an adult who is 60 years of age or older or a dependent adult, as defined in Title
29 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section
30 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1
31 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care
32 provider, the adult victim, the adult victim's legal guardian or a representative of the
33 department may seek relief by filing a complaint alleging the abusive conduct. For the
34 purposes of this subsection, "extended family member" includes, but is not limited to: a
35 person who is related to the victim by blood, marriage or adoption, whether or not the
36 person resides or has ever resided with the victim. "Unpaid care provider" includes, but
37 is not limited to, a caretaker who voluntarily provides full, intermittent or occasional
38 personal care to the adult victim in the victim's home similar to the way a family member
39 would provide personal care.

40 **SUMMARY**

41 This bill adds violations that may form the basis of the issuance of a protection from
42 harassment order. It adds harassment by telephone or by electronic communication device

1 to the list of types of cases in which a plaintiff is not required to file a copy of a notice to
2 stop harassing the plaintiff issued to the defendant in order to commence a protection
3 from harassment proceeding.

4 The bill provides that a person is guilty of harassment by telephone or by electronic
5 communication device if by means of telephone or electronic communication device the
6 person sends an image or video of a sexual act, of sexual contact or of the actor's or
7 another person's genitals without the consent of the person called or contacted.

8 The bill adds violations that may form the basis of the issuance of a protection from
9 abuse order to protect a minor.

10 The bill amends the law governing remedies available to tenants who are victims of
11 domestic violence, sexual assault or stalking by expanding the forms of acceptable
12 documentation that may be provided to landlords to include copies of police reports
13 prepared in response to investigations of sexual assault or stalking and copies of criminal
14 complaints, indictments or convictions for charges of sexual assault or stalking.