

# MAINE STATE LEGISLATURE

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STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 161, L.D. 496, Bill, "An Act To Extend the Availability of Protection from Abuse and Protection from Harassment Orders"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 5 MRSA §4653, sub-§1, ¶B, as amended by PL 2017, c. 455, §2, is further amended to read:

B. If the alleged harassment does not meet the definition in section 4651, subsection 2, paragraph C or is not related to an allegation of domestic violence, violence against a dating partner, sexual assault, stalking or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a) or a statement of good cause why such a notice was not sought or obtained. The court has discretion, based on the nature of the allegations as well as any further inquiry that the court may make of the plaintiff, to issue an order even if notice to stop harassing the plaintiff has not been issued to the defendant as described in Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a).

Sec. 2. 19-A MRSA §4005, sub-§1, as amended by PL 2017, c. 455, §4, is further amended to read:

1. **Filing.** An adult who has been abused, as defined in section 4002, subsection 1, by a family or household member or a dating partner or an individual related by consanguinity or affinity may seek relief by filing a complaint alleging that abuse.

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

COMMITTEE AMENDMENT

1 An adult who has been a victim of conduct defined as stalking in Title 17-A, section  
2 210-A or described as sexual assault in Title 17-A, chapter 11 or described as  
3 unauthorized dissemination of certain private images in Title 17-A, section 511-A or  
4 described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or  
5 853, respectively, whether or not the conduct was perpetrated by a family or household  
6 member or dating partner, may seek relief by filing a complaint alleging that conduct  
7 without regard to whether criminal prosecution has occurred. When a minor has been a  
8 victim of such conduct or conduct described in Title 17-A, section 282 or 283 or  
9 harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2,  
10 the minor's parent, other person responsible for the child or a representative of the  
11 department may seek relief by filing a petition alleging that conduct.

12 When an adult who is 60 years of age or older or a dependent adult, as defined in Title  
13 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section  
14 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1  
15 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care  
16 provider, the adult victim, the adult victim's legal guardian or a representative of the  
17 department may seek relief by filing a complaint alleging the abusive conduct. For the  
18 purposes of this subsection, "extended family member" includes, but is not limited to: a  
19 person who is related to the victim by blood, marriage or adoption, whether or not the  
20 person resides or has ever resided with the victim. "Unpaid care provider" includes, but  
21 is not limited to, a caretaker who voluntarily provides full, intermittent or occasional  
22 personal care to the adult victim in the victim's home similar to the way a family member  
23 would provide personal care.

24 **Sec. 3. 19-A MRSA §4005, sub-§2, ¶C**, as enacted by PL 1995, c. 694, Pt. B, §2  
25 and affected by Pt. E, §2, is repealed and the following enacted in its place:

26 C. The clerk shall provide to a plaintiff written contact information for resources  
27 from which the plaintiff may receive legal or social service assistance provided to the  
28 Administrative Office of the Courts by the various providers, including the Maine  
29 State Bar Association or successor organization, any local or statewide organizations  
30 providing domestic violence services and sexual assault services and any other  
31 agency providing reliable and relevant resource contact information.'

32 **SUMMARY**

33 This amendment replaces the bill.

34 The amendment clarifies the bill's language regarding the court's discretion in a  
35 protection from harassment action to issue a protection from harassment order even if the  
36 notice to stop harassing the plaintiff was not issued to the defendant.

37 The amendment clarifies that an adult who has been abused, as defined in the Maine  
38 Revised Statutes, Title 19-A, section 4002, subsection 1, can seek a protection from abuse  
39 order if the adult has been abused by, in addition to a family or household member or a  
40 dating partner as provided in current law, an individual related to the adult by  
41 consanguinity or affinity. The amendment provides the same protection for a minor  
42 child.

A. of S.

1           The amendment directs the offices of the court clerks to provide plaintiffs with  
2 written contact information for resources from which the plaintiff may receive legal or  
3 social service assistance when the contact information for those services has been  
4 provided to the Administrative Office of the Courts by the various providers, including  
5 the Maine State Bar Association or successor organization, any local or statewide  
6 organizations providing domestic violence services and sexual assault services and any  
7 other agency providing reliable and relevant resource contact information.