

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 496

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S.P. 161

In Senate, January 31, 2019

### **An Act To Extend the Availability of Protection from Abuse and Protection from Harassment Orders**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator GUERIN of Penobscot.  
Cosponsored by Senators: BELLOWS of Kennebec, CARPENTER of Aroostook,  
GRATWICK of Penobscot, KEIM of Oxford, Representatives: BAILEY of Saco, RECKITT of  
South Portland.

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

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

4 B. If the alleged harassment does not meet the definition in section 4651, subsection  
5 2, paragraph C or is not related to an allegation of domestic violence, violence against  
6 a dating partner, sexual assault, stalking or harassment as described in Title 17-A,  
7 section 506, subsection 1, paragraph A-1 or A-2, a copy of a notice to stop harassing  
8 the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection  
9 1, paragraph A, subparagraph (1), division (a) or a statement of good cause why such  
10 a notice was not sought or obtained. The court has discretion, based on the nature of  
11 the allegations as well as any further inquiry that the court may make of the plaintiff  
12 regarding why notice may not have been provided, to issue an order without prior  
13 notice to stop harassing the plaintiff issued to the defendant.

14 **Sec. 2. 5 MRSA §4653, sub-§2**, as amended by PL 2003, c. 658, §3, is further  
15 amended to read:

16 **2. Assistance.** The court shall provide separate forms with a summons and clerical  
17 assistance to assist either party to proceed under this chapter in completing and filing a  
18 complaint or other necessary documents. This assistance may not include legal advice or  
19 assistance in drafting legal documents.

20 If the plaintiff has requested a form of relief unavailable under this chapter but available  
21 under Title 19-A, chapter 101, or if greater relief is available under Title 19-A, chapter  
22 101, the court shall inform the plaintiff of the availability of relief under Title 19-A,  
23 chapter 101. Such provision of information does not constitute the provision of legal  
24 advice or assistance.

25 **Sec. 3. 19-A MRSA §4002, sub-§4**, as amended by PL 2015, c. 296, Pt. C, §24  
26 and affected by Pt. D, §1, is further amended to read:

27 **4. Family or household members.** "Family or household members" means spouses  
28 or domestic partners or former spouses or former domestic partners, individuals presently  
29 or formerly living together as spouses, parents of the same child, ~~adult household~~  
30 ~~members~~ individuals related by consanguinity or affinity or minor children of a  
31 household member when the defendant is an adult household member and, for the  
32 purposes of Title 15, section 1023, subsection 4, paragraph B-1 and Title 15, section  
33 1094-B, this chapter and Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A,  
34 1201, 1202 and 1253 only, includes individuals presently or formerly living together and  
35 individuals who are or were sexual partners. Holding oneself out to be a spouse is not  
36 necessary to constitute "living as spouses." For purposes of this subsection, "domestic  
37 partners" means 2 unmarried adults who are domiciled together under long-term  
38 arrangements that evidence a commitment to remain responsible indefinitely for each  
39 other's welfare.

40 **Sec. 4. 19-A MRSA §4005, sub-§2, ¶D** is enacted to read:

