

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Discourage the Misuse of the Process for Obtaining Protection from Abuse**

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

**Sec. 1. 19-A MRSA §4007, sub-§2**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**2. Duration.** A protective order or approved consent agreement is for a fixed period not to exceed 2 years. At the expiration of that time, the court may extend an order, upon motion of the plaintiff, for ~~such additional time as it determines necessary to protect the plaintiff or minor child from abuse~~ a fixed period not to exceed 2 years. The court may continue the order in effect until the hearing under section 4006, subsection 1 on the motion to extend. Upon motion by either party, for sufficient cause, the court may modify the order or agreement from time to time as circumstances require. An approved consent agreement may not be extended without the consent of both parties.

**Sec. 2. 19-A MRSA §4007, sub-§11** is enacted to read:

**11. Attorney's fees.** The court shall order the plaintiff to pay the defendant's reasonable attorney's fees if the court finds that allegations made by the plaintiff were false or substantially inadequate to rise to the level of meriting relief or that the allegations were made with the intent to harass the defendant.

**Sec. 3. 19-A MRSA §4007, sub-§12** is enacted to read:

**12. No continuance of ex parte order if no abuse proved.** If the court does not make a finding that the defendant has committed the alleged abuse or engaged in the alleged conduct described in section 4005, subsection 1, the court may not extend an ex parte protection order to provide the plaintiff an opportunity to initiate a proceeding to determine parental rights and responsibilities under chapter 55.

**Sec. 4. 19-A MRSA §4010, sub-§1**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**1. Civil rules apply.** Unless otherwise indicated in this chapter, all proceedings must be in accordance with the Maine Rules of Civil Procedure. Maine Rules of Civil Procedure, Rule 26 applies to discovery. Appeals may be taken as provided by the Maine Rules of Civil Procedure. Appeals may be only for error of law or abuse of discretion.

**Sec. 5. 19-A MRSA §4010, sub-§6** is enacted to read:

**6. Priority.** Actions under this chapter have priority over all other civil actions except protective custody hearings under Title 22, chapter 1071.

## **SUMMARY**

This bill addresses several issues in the protection from abuse laws.

1. It provides that a protection order may be extended, but only for a time certain, not to exceed 2 years. Current law does not put a time limit on extensions.
2. It provides that an order entered as a consent agreement cannot be extended without the consent of both parties.
3. It requires the court to order the plaintiff to pay the reasonable attorney's fees of the defendant if the court finds that the allegations made by the plaintiff were false or substantially inadequate to rise to the level of meriting relief or that the allegations were made with the intent to harass the defendant.
4. It provides that the court may not order a continuance of an ex parte protection order when the plaintiff did not prove abuse in order to allow the plaintiff to initiate a parental rights and responsibilities action.
5. It clarifies that discovery under the Maine Rules of Civil Procedure, Rule 26 applies to actions under the protection from abuse laws.
6. It provides that protection from abuse actions have priority on the court's docket over all other civil actions other than child protective custody hearings.