CHAPTER 103

PROTECTION FROM ABUSE

§4101. Purposes

The court shall liberally construe and apply this chapter to promote the following underlying purposes: [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

1. Recognition. To recognize domestic abuse as a serious crime against the individual and society, producing an unhealthy and dangerous family environment, resulting in a pattern of escalating abuse, including violence, that frequently culminates in intrafamily homicide and creating an atmosphere that is not conducive to healthy childhood development;
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Protection. To allow family and household members who are victims of domestic abuse to obtain expeditious and effective protection against further abuse so that the lives of the nonabusing family or household members are as secure and uninterrupted as possible;
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Enforcement. To provide protection by promptly entering and diligently enforcing court orders that prohibit abuse and, when necessary, by reducing the abuser's access to the victim and addressing related issues of parental rights and responsibilities and economic support so that victims are not trapped in abusive situations by fear of retaliation, loss of a child or financial dependence;
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

4. Prevention. To expand the power of the justice system to respond effectively to situations of domestic abuse, to clarify the responsibilities and support the efforts of law enforcement officers, prosecutors and judicial officers to provide immediate, effective assistance and protection for victims of abuse and to recognize the crucial role of law enforcement officers in preventing further incidents of abuse and in assisting the victims of abuse;
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

5. Data collection. To provide for the collection of data concerning domestic abuse in an effort to develop a comprehensive analysis of the incidence and causes of that abuse; and
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

6. Mutual order. To declare that a mutual order of protection or restraint undermines the purposes of this chapter.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

§4102. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

1. Abuse. "Abuse" means the occurrence of the following acts:

A. Attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults under Title 17-A, chapter 11, except that contact as described in Title 17-A, section 106, subsection 1 is excluded from this definition; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Attempting to place or placing another in fear of bodily injury through any course of conduct, including, but not limited to, threatening, harassing or tormenting behavior. When the course of conduct violates this paragraph based on the content of the actor's speech, the actor must have consciously disregarded a substantial risk that the speech would place a reasonable person in fear of bodily injury; [PL 2023, c. 519, §4 (AMD).]

C. Compelling a person by force, threat of force, coercion or intimidation:

(1) To engage in conduct from which the person has a right or privilege to abstain; or

(2) To abstain from conduct in which the person has a right to engage; [PL 2025, c. 379, §1 (AMD).]

D. Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by:

(1) Removing that person from that person's residence, place of business or school;

(2) Moving that person a substantial distance from the vicinity where that person was found; or

(3) Confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

E. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, with conscious disregard of a substantial risk that the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; [PL 2023, c. 519, §5 (AMD).]

F. Repeatedly and without reasonable cause:

(1) Following the plaintiff; or

(2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

G. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A; [PL 2025, c. 400, §4 (AMD).]

H. Engaging in aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively; or [PL 2025, c. 400, §5 (AMD).]

I. Communicating to a person a threat to commit, or to cause to be committed, a crime of unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, consciously disregarding a substantial risk that the natural and probable consequence of such a threat is to place the person who is depicted or who appears to be depicted in the image in reasonable fear that the crime will be committed. [PL 2025, c. 400, §6 (NEW).]

[PL 2025, c. 379, §1 (AMD); PL 2025, c. 400, §§4-6 (AMD).]

2. Adult. "Adult" means a person 18 years of age or older or a person under 18 years of age who is emancipated pursuant to Title 15, section 3506-A.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Court. "Court" means a District Court and, with regard to section 4113, the tribal court of the Passamaquoddy Tribe or the Penobscot Nation.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

4. Dating partners. "Dating partners" means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

5. Economic abuse. "Economic abuse" means causing or attempting to cause an individual to be financially dependent by maintaining control over the individual's financial resources, including, but not limited to, unauthorized or coerced use of credit or property, withholding access to money or credit cards, forbidding attendance at school or employment, stealing from or defrauding an individual of money or assets, exploiting the individual's resources for personal gain of the defendant or withholding physical resources such as food, clothing, necessary medications or shelter.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

6. Family or household members. "Family or household members" means:

A. Present or former spouses or domestic partners; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Individuals presently or formerly living together as spouses; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. Parents of the same child; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

D. Adult household members related by consanguinity or affinity; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

E. Minor children of a parent or guardian when the defendant is an adult household member of that parent or guardian; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

F. Individuals presently or formerly living together; and [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

G. Individuals who are or were sexual partners. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

Holding oneself out to be a spouse is not necessary to constitute "living together as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

7. Law enforcement agency. "Law enforcement agency" means a state, county, tribal, municipal or University of Maine System law enforcement agency.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

7-A. Military protective order. "Military protective order" has the same meaning as in Title 5, section 4651, subsection 3-A.
[PL 2025, c. 90, §3 (NEW).]

8. Order. "Order" means:

A. A temporary, emergency or interim order issued under this chapter; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. A final protection order issued under this chapter after hearing or opportunity for hearing or with consent of the parties; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. An order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; [PL 2025, c. 90, §4 (AMD).]

D. A similar order issued by a court of the United States or of another state, territory, commonwealth or federally recognized Indian tribe; or [PL 2025, c. 90, §5 (AMD).]

E. A military protective order. [PL 2025, c. 90, §6 (NEW).]
[PL 2025, c. 90, §§4-6 (AMD).]

9. Social media. "Social media" means an electronic medium or service through which users create, share and view user-generated content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, e-mail, online service accounts and Internet website profiles and locations.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 519, §§4, 5 (AMD). PL 2025, c. 90, §§3-6 (AMD). PL 2025, c. 379, §1 (AMD). PL 2025, c. 400, §§4-6 (AMD).

§4103. Eligibility

The following persons are eligible to seek relief under this chapter: [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

1. Adult. An adult:

A. Who has been a victim of abuse as defined in section 4102, subsection 1 by a family or household member, a dating partner or an individual related by consanguinity or affinity; or [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Who has been a victim of conduct:

(1) Described as stalking in Title 17-A, section 210-A;

(2) Constituting any crime described in Title 17-A, chapter 11;

(3) Described as unauthorized dissemination of certain private images in Title 17-A, section 511-A;

(4) Described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively; or

(5) Constituting a civil cause of action under Title 14, section 8305.

For purposes of this paragraph, the conduct need not have been perpetrated by a family or household member, a dating partner or an individual related by consanguinity or affinity; [PL 2023, c. 298, §3 (AMD).]
[PL 2023, c. 298, §3 (AMD).]

2. Child. A child, a person responsible for a child, as defined in Title 22, section 4002, subsection 9, or a representative of the department when a child has been:

A. A victim of abuse as defined in section 4102, subsection 1 by a family or household member, a dating partner or an individual related by consanguinity or affinity; or [RR 2021, c. 2, Pt. A, §40 (COR).]

B. A victim of conduct:

(1) Described as stalking in Title 17-A, section 210-A;

(2) Constituting any crime described in Title 17-A, chapter 11;

(3) Described as unauthorized dissemination of certain private images in Title 17-A, section 511-A;

(4) Described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively;

(5) Described as sexual exploitation of a minor or dissemination of sexually explicit material in Title 17-A, section 282 or 283, respectively;

(6) Described as harassment by telephone or by electronic communication device in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2; or

(7) Constituting a civil cause of action under Title 14, section 8305.

For purposes of this paragraph, the conduct need not have been perpetrated by a family or household member, a dating partner or an individual related by consanguinity or affinity; [PL 2023, c. 298, §§4-6 (AMD).]

[PL 2025, c. 158, §1 (AMD).]

3. Older or dependent adult. An adult who meets the eligibility requirements in paragraphs A and B as follows:

A. The adult is one of the following:

(1) Sixty years of age or older;

(2) A dependent adult, as defined in Title 22, section 3472, subsection 6; or

(3) An incapacitated adult, as defined in Title 22, section 3472, subsection 10; and [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. The adult has been the victim of abuse as defined in section 4102, subsection 1, this chapter or Title 22, section 3472, subsection 1 by an extended family member or unpaid care provider. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

The adult victim, the adult victim's legal guardian or a representative of the department may seek relief.

For the purposes of this subsection, "extended family member" includes, but is not limited to, a person who is related to the victim by blood, marriage or adoption whether or not the person resides or has ever resided with the victim.

For the purposes of this subsection, "unpaid care provider" includes, but is not limited to, a caretaker who voluntarily provides full, intermittent or occasional personal care to the adult victim in the victim's home similar to the way a family member would provide personal care.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF). RR 2021, c. 2, Pt. A, §40 (COR). PL 2023, c. 298, §§3-6 (AMD). PL 2025, c. 158, §1 (AMD).

§4104. Commencement of a proceeding

1. Venue and jurisdiction. Proceedings under this chapter must be filed, heard and determined in the District Court of the division:

A. In which the plaintiff or defendant resides; or [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. If the plaintiff has left the plaintiff's residence to avoid abuse, of the plaintiff's previous residence or new residence. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

If a District Court Judge is not available in the division in which a complaint requesting a temporary order is to be filed, the complaint may be presented to another District Court Judge or to any Superior Court Justice. A Superior Court Justice has the same authority as a District Court Judge to grant or deny the temporary order.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Filing. A person may seek relief by filing a complaint alleging the abuse or conduct that makes the plaintiff eligible to seek protection pursuant to section 4103. The complaint need only include a short and plain statement showing that the plaintiff is entitled to relief.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

§4105. Other proceedings

1. Uniform Child Custody Jurisdiction and Enforcement Act. The Uniform Child Custody Jurisdiction and Enforcement Act applies to a proceeding under this chapter regardless of whether it is joined with another proceeding under subsection 2.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Divorce, dissolution of marriage, legal separation or separate maintenance. All proceedings may be independent of, or joined with, a proceeding for divorce, dissolution of marriage, legal separation or separate maintenance.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Other remedies and relief. A proceeding under this chapter is in addition to any other available civil or criminal remedies.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

4. No criminal proceeding required. Relief may be sought under this chapter regardless of whether a criminal prosecution has occurred.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

§4106. Procedures

1. Assistance. The following assistance from the court is available.

A. The court shall provide forms and clerical assistance to either party in completing and filing a complaint or other necessary documents. The assistance may not include legal advice or assistance in drafting legal documents. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. The clerk of the court shall provide to a plaintiff written contact information for resources from which the plaintiff may receive legal or social service assistance provided to the Administrative Office of the Courts by the various providers of those services, including the Maine State Bar Association or successor organization, any local or statewide organizations providing domestic violence services, any local or statewide organizations providing sexual assault services and any other agency providing reliable and relevant resource contact information. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Forms. The forms provided by the court under subsection 1 must be uniform throughout the State and must include a summons and an affidavit for temporary emergency relief. The summons must include a section in which to list places where the defendant may be located or available to be

served. The clerk of the court shall inquire where the defendant may be located or available to be served and list those locations on the summons or direct the plaintiff to do so.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Fees. A fee may not be charged for forms or for filing a complaint. A plaintiff may apply for leave to proceed in forma pauperis.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

4. Notice. Prior to the plaintiff signing a complaint, the court shall notify the plaintiff, orally or in writing, that it is a crime to make a false statement under oath in a court document.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

5. Notification; copies. The clerk of the court shall issue, without fee, a copy of an order, agreement, amendment or revocation to the plaintiff, to the defendant and to the law enforcement agencies most likely to enforce it, as determined by the court.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

6. Civil rules apply. Unless otherwise indicated in this chapter, all proceedings must be in accordance with the Maine Rules of Civil Procedure. 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.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

7. Mediation and referees. The court may not mandate mediation or appointment of referees in actions brought under this chapter. If an action under this chapter is joined with another proceeding pursuant to section 4105, subsections 1 and 2, this subsection does not prohibit the court from mandating mediation or the appointment of a referee on any issue, other than abuse, that is part of the other proceeding.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

§4107. Service of order

If the court issues an order under this chapter, the court shall order an appropriate law enforcement agency or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15 or, if the defendant is in the custody of the Department of Corrections, the Department of Corrections to serve the defendant personally with the order. Temporary orders must be served with the summons and complaint. The court shall cause the order to be delivered to the law enforcement agency, the court security officer or the correctional facility in which the defendant is incarcerated as soon as practicable following the issuance of the order. The law enforcement agency, court security officer or chief administrative officer of a correctional facility or the chief administrative officer's designee shall make a good faith effort to serve process expeditiously. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

1. Electronically transmitted printed copies of order. Notwithstanding any provision of law to the contrary, service of an order may be made pursuant to this section through the use of electronically transmitted printed copies of orders that have been transmitted directly from the court to the law enforcement agency or correctional facility making service. Return of proof of service may be made by electronic transmission of the proof of service directly to the court from the law enforcement officer making service or the chief administrative officer, or the chief administrative officer's designee, of the correctional facility making service.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Officer who served order as witness. In any subsequent criminal prosecution for violation of this chapter when the service of an order was made through the use of an electronically transmitted

printed copy of the order, with 10 days' advance written notice to the prosecution, the defendant may request that the prosecution call as a witness the law enforcement officer who served the order or the chief administrative officer, or the chief administrative officer's designee, of the correctional facility that served the order.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

§4108. Temporary orders

1. Temporary orders. The court may enter temporary orders authorized under subsection 2 that it considers necessary to protect a plaintiff or minor child from abuse, on good cause shown in an ex parte proceeding, which the court shall hear and determine as expeditiously as practicable after the filing of a complaint. Immediate and present danger of abuse to the plaintiff or minor child constitutes good cause. In determining whether good cause exists, the court may consider the existence of an active military protective order. A temporary order remains in effect pending a hearing pursuant to section 4109.
[PL 2025, c. 90, §7 (AMD).]

2. Interim relief. The court, in an ex parte proceeding, may enter temporary orders:

A. Concerning the parental rights and responsibilities relating to minor children for whom the parties are responsible; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Enjoining the defendant from engaging in the following:

(1) Imposing a restraint upon the person or liberty of the plaintiff;

(2) Threatening, assaulting, molesting, harassing, attacking or otherwise disturbing the peace of the plaintiff;

(3) Entering the family residence or the residence of the plaintiff, including the land immediately surrounding and associated with the residence;

(4) Repeatedly and without reasonable cause:

(a) Following the plaintiff; or

(b) Being at or in the vicinity of the plaintiff's home, school, business or place of employment;

(5) Taking, converting or damaging property in which the plaintiff may have a legal interest;

(6) Having any direct or indirect contact with the plaintiff;

(7) Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A; or

(8) Destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession; or [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. Concerning the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household and may enjoin the defendant from injuring or threatening to injure any such animal. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Temporary orders; possession of dangerous weapons. The court may direct the defendant not to possess a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon for the duration of the temporary order if the complaint demonstrates:

A. Abuse that involves a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon; or [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. A heightened risk of immediate abuse to the plaintiff or a minor child. In determining whether a heightened risk of immediate abuse is present, the court shall consider, but is not limited to consideration of, whether:

(1) The temporary order of protection is not likely to achieve its purpose in the absence of such a condition;

(2) The defendant has violated orders of protection;

(3) Past or present abuse to a victim resulted in injury;

(4) The abuse occurred in public; and

(5) The abuse includes:

(a) Threats of suicide or homicide;

(b) Killing or threatening to kill any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household;

(c) An escalation of violence;

(d) Stalking behavior or extreme obsession;

(e) Sexual violence;

(f) Excessive alcohol or drug use; and

(g) Abuse against a pregnant victim. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

If the court prohibits the defendant from possessing a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon in a temporary order and if the defendant moves for dissolution or modification of a temporary order pursuant to subsection 6, the court shall hear and decide the motion as expeditiously as possible and shall issue a written decision on the motion within 24 hours after a hearing on that motion.

If the court prohibits the defendant from possessing a dangerous weapon other than a firearm, muzzle-loading firearm, bow or crossbow in a temporary order, the court shall specify the type of weapon the defendant is prohibited from possessing.

If the court prohibits the defendant from possessing a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon in a temporary order, the court shall direct the defendant to relinquish, within 24 hours after service of the temporary order on the defendant or such earlier time as the court specifies in the temporary order, all firearms, muzzle-loading firearms, bows, crossbows and specified dangerous weapons in the possession of the defendant to a law enforcement officer or other individual for the duration of the temporary order. If the weapons are relinquished to an individual other than a law enforcement officer, the defendant must file, within 24 hours after such relinquishment, with the court or local law enforcement agency designated in the temporary order a written statement that contains the name and address of the individual holding the weapons and a description of all weapons held by that individual. The court may subsequently issue a search warrant authorizing a law enforcement officer to seize any firearms, muzzle-loading firearms, bows, crossbows and other dangerous weapons at any location if there is probable cause to believe such firearms, muzzle-loading firearms, bows, crossbows or dangerous weapons have not been relinquished by the defendant.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

4. Emergency relief. Emergency relief is available as follows.

A. When there is no judge available in the District Court having venue or the District Court courthouse is closed and no other provision can be made for the shelter of an abused family or household member or minor child, a complaint may be presented to another District Court Judge or Superior Court Justice. Upon a showing of good cause, as described in subsection 1, the court may enter temporary orders authorized under this section that it considers necessary to protect the plaintiff or minor child from abuse. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. If a complaint is presented under this subsection, that complaint and any temporary order issued pursuant to it must be forwarded immediately to the clerk of the District Court having venue for filing. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. A temporary order under this subsection remains in effect pending a hearing pursuant to section 4109. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

5. Denial of relief. Before a request for temporary, emergency or interim relief is denied, the judge shall:

A. Allow the plaintiff the opportunity to be heard in person to support the complaint. The plaintiff may be accompanied by a person of the plaintiff's choice; and [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Advise the plaintiff of reasons for the denial. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

6. Dissolution or modification. Notwithstanding any provision of law to the contrary, upon 2 days' notice to the plaintiff or upon such shorter notice as the court may order, a person who is subject to a temporary order may appear and move the dissolution or modification of the temporary order and, in that event, the court shall proceed to hear and determine the motion as expeditiously as the ends of justice require. At that hearing, the plaintiff has the burden of justifying a finding in the temporary order that the defendant has challenged by affidavit. This subsection may not be construed to abolish or limit any means otherwise available by law for obtaining dissolution, modification or discharge of a temporary order.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

7. Extension. If a hearing on the complaint is continued, the court may make or extend temporary orders it considers necessary. Notwithstanding any provision of this section to the contrary, if a final protection order is issued pursuant to section 4110, the temporary protection order issued pursuant to this section remains in effect pending service of the final protection order.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2025, c. 90, §7 (AMD).

§4109. Hearings

1. Full hearing. Within 21 days of the filing of a complaint, a hearing must be held at which the plaintiff must prove the allegation of abuse or conduct specified in section 4103 by a preponderance of the evidence. If a request for temporary, emergency or interim relief is denied, the hearing must be held as soon as practicable within the 21-day period. Nothing in this section limits the court's discretion to continue the final hearing upon the court's own motion or upon the motion of either party.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Self-defense. The right to relief under this chapter is not affected by the plaintiff's use of reasonable force in response to abuse by the defendant.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Intoxication. Voluntary intoxication is not a defense to an action under this chapter.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

§4110. Relief

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Final protection order. The court, after a hearing or opportunity for hearing and upon finding that the defendant has committed the abuse or conduct specified in section 4103, may grant a final protection order to bring about the cessation of the abuse or alleged conduct. The court may enter a finding that the defendant represents a credible threat to the physical safety of the plaintiff or a minor child residing in the household. The court may enter a finding of economic abuse.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Final protection order by consent. The court may approve a final protection order by consent if all parties agree to the terms, including whether an order under this section includes findings by the court.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Relief. Relief granted under this section may include:

A. Directing the defendant not to threaten, assault, molest, harass, attack or otherwise abuse the plaintiff and any minor children residing in the household; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Directing the defendant not to possess a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon for the duration of the order; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. Prohibiting the defendant from the use, attempted use or threatened use of physical force that would reasonably be expected to cause bodily injury against the plaintiff or a minor child residing in the household; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

D. Directing the defendant not to go upon the premises of the plaintiff's residence; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

E. Directing the defendant to refrain from repeatedly and without reasonable cause:

(1) Following the plaintiff;

(2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; or

(3) Engaging in conduct defined as stalking in Title 17-A, section 210-A; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

E-1. **(TEXT EFFECTIVE 1/01/26)** Directing the defendant to refrain from knowingly being within a specified distance of the plaintiff or prohibiting the defendant from being present at a specific location; [PL 2025, c. 22, §1 (NEW); PL 2025, c. 22, §2 (AFF).]

F. Directing the defendant not to have any direct or indirect contact with the plaintiff, including via social media; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

G. When the mutual residence or household of the parties is jointly owned or jointly leased or when one party has a duty to support the other or their minor children living in the residence or household and that party is the sole owner or lessee:

(1) Granting or restoring possession of the residence or household to one party, excluding the other; or

(2) A consent agreement, allowing the party with the duty to support to provide suitable alternate housing; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

H. Directing the defendant not to injure or threaten to injure any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

I. Either awarding some or all temporary parental rights and responsibilities with regard to minor children or awarding temporary rights of contact with regard to minor children, or both, under such conditions that the court finds in the best interest of the child pursuant to section 1653, subsections 3 to 6-B. The court's award of parental rights and responsibilities or rights of contact is not binding in any separate action involving an award of parental rights and responsibilities pursuant to chapter 55 or in a similar action brought in another jurisdiction exercising child custody jurisdiction in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

J. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to:

(1) Prohibiting the defendant from disseminating the private images;

(2) Ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images; or

(3) Ordering the defendant to pay costs associated with removal, destruction or return of the private images; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

K. Ordering a division of the personal property and household goods and furnishings of the parties and placing any protective orders considered appropriate by the court, including an order to refrain from taking, converting or damaging property in which the plaintiff has a legal interest; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

L. Ordering the termination of a life insurance policy or rider under that policy owned by the defendant if the plaintiff is the insured life under the policy or rider. Upon issuance, a copy of the order must be sent to the insurer that issued the policy; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

M. Requiring the defendant to attend a certified domestic violence intervention program, to receive counseling from a social worker, family service agency, mental health center, psychiatrist or to participate in any other guidance service that the court considers appropriate. The court may not order and the State may not pay for the defendant to attend a certified domestic violence intervention program unless the program is certified under section 4116; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

N. Ordering the payment of temporary support for a dependent party when the defendant has a legal obligation to support that dependent party; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

O. Ordering the payment of temporary support:

(1) For a child in the dependent party's custody in accordance with chapter 63, when the defendant has a legal obligation to support that child; or

(2) To the State as provided in chapters 63, 65 and 67.

In all proceedings under this chapter, the court shall apply the child support guidelines in chapter 63 using the information the plaintiff is able to provide the court. Failure of a party to file an income affidavit may not unnecessarily delay a proceeding and does not preclude the issuance of an order for child support, except that the court shall require the plaintiff to complete and file an income affidavit at a final hearing involving child support even if the defendant does not appear for the hearing; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

P. Ordering payment of monetary relief to the plaintiff for losses suffered as a result of the defendant's conduct. Monetary relief includes but is not limited to loss of earnings or support, reasonable expenses incurred for personal injuries or property damage, transitional living expenses and reasonable moving expenses. Upon the motion of either party, for sufficient cause, the court may set a later hearing on the issue of the amount of monetary relief, if any, to be awarded. Nothing in this paragraph may be construed to limit the court's discretion to enter any of the other available relief under this chapter. Nothing in this paragraph may be construed to preclude a plaintiff from seeking monetary relief through other actions as permissible by law; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

Q. Ordering the defendant to pay court costs or reasonable attorney's fees; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

R. Ordering the plaintiff to pay court costs or reasonable attorney's fees, or both, only if a judgment is entered against the plaintiff after a hearing in which both the plaintiff and the defendant are present and the court finds that the complaint is frivolous; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

S. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

T. With regard to conduct described as aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively, entering any other orders determined necessary or appropriate in the discretion of the court, including, but not limited to, requiring the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship; or [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

U. Entering any other orders determined necessary or appropriate in the discretion of the court. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF); PL 2025, c. 22, §1 (AMD); PL 2025, c. 22, §2 (AFF).]

4. No possession of firearm, muzzle-loading firearm, bow or crossbow or dangerous weapons for duration of final protection order. If the court prohibits the defendant from possessing a dangerous weapon other than a firearm, muzzle-loading firearm, bow or crossbow, the court shall specify the type of weapon the defendant is prohibited from possessing.

If the court prohibits the defendant from possessing a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon, the court shall direct the defendant to relinquish, within 24 hours after service of the final protection order on the defendant or such earlier time as the court specifies in the final protection order, all firearms, muzzle-loading firearms, bows, crossbows and specified dangerous weapons in the possession of the defendant to a law enforcement officer or other individual for the duration of the final protection order. If the weapons are relinquished to an individual other than a law

enforcement officer, the defendant must file, within 24 hours after such relinquishment, with the court or local law enforcement agency designated in the final protection order a written statement that contains the name and address of the individual holding the weapons and a description of all weapons held by that individual. The court may subsequently issue a search warrant authorizing a law enforcement officer to seize any firearms, muzzle-loading firearms, bows, crossbows and other dangerous weapons at any location if there is probable cause to believe such firearms, muzzle-loading firearms, bows, crossbows or dangerous weapons have not been relinquished by the defendant.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

5. Final protection order. This subsection applies to a final protection order issued under this chapter.

A. A final protection order issued under this chapter must be for a fixed period not to exceed 2 years, unless extended or reinstated by the court pursuant to section 4111. [PL 2025, c. 157, §1 (AMD).]

B. An order issued under this chapter must indicate, in a clear and conspicuous manner, the potential consequences of violation of the order, as provided in section 4113 and Title 15, section 393, subsection 1, paragraph D, if applicable. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. If the court enjoins the defendant under this section and the enjoined conduct constitutes harassment under Title 17-A, section 506-A, the court shall include in the order a warning in conformity with Title 17-A, section 506-A. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
[PL 2025, c. 157, §1 (AMD).]

6. Limitations. In issuing an order under this chapter, the court may not:

A. Affect title to any real property; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Require the execution of a bond by the plaintiff prior to issuance of an order of protection; or [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. Issue a mutual order of protection or restraint. As used in this chapter, "mutual order of protection or restraint" means an order that is granted to the defendant under this chapter or the inclusion of language in an order granted to a plaintiff in an action under this chapter that restricts or limits the plaintiff's conduct with regard to the defendant absent the filing of a separate complaint by the defendant, service of the summons and complaint on the plaintiff and a finding by the court that the plaintiff committed the abuse alleged in the complaint. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2025, c. 22, §1 (AMD). PL 2025, c. 22, §2 (AFF). PL 2025, c. 157, §1 (AMD).

§4111. Modifying and extending orders

1. Extension. The court may extend a final protection order issued under this chapter at the time of expiration, upon motion of the plaintiff, for such additional time as the court determines necessary to protect the plaintiff or minor child from abuse or conduct specified in section 4103. A final protection order may be extended more than once and without limitation on the duration of the extension. In determining whether extension of a final protection order is necessary, the court may consider:

A. The underlying reasons for the order, including earlier abuse and the history of abuse; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Conduct that has occurred since the entry of the final protection order; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. The continued effect of any abuse on the plaintiff; and [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

D. All other relevant factors pursuant to the discretion of the court. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

The court may continue the final protection order in effect until a hearing under section 4109, subsection 1 on the motion to extend.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

1-A. Extension after expiration. The court may reinstate and extend a final protection order issued under this chapter after expiration, upon motion of the plaintiff, only if the court finds:

A. That the plaintiff has shown good cause for filing the motion to extend a final protection order after expiration of the order, which may include that the filing was not timely due to a dismissal of a prior motion to extend because of an inability to serve the defendant; and [PL 2025, c. 157, §2 (NEW).]

B. That the filing under this subsection was made within a reasonable amount of time based upon the underlying circumstances. [PL 2025, c. 157, §2 (NEW).]

If the court makes findings for the plaintiff under paragraphs A and B, the court may reinstate the final protection order that has expired until a hearing under section 4109, subsection 1 on the motion to extend and shall apply the standard in subsection 1 to determine whether an extension of the final protection order is necessary to protect the plaintiff or minor child from abuse or conduct specified in section 4103.
[PL 2025, c. 157, §2 (NEW).]

2. Modification of order. Upon motion by either party, for sufficient cause, the court may modify an order issued under this chapter from time to time as circumstances require.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Action by plaintiff. A plaintiff may extinguish or modify an order issued under this chapter only by legal process in accordance with the Maine Rules of Civil Procedure. Any other action or inaction on the part of the plaintiff does not alter, diminish or negate the effectiveness of the order. Criminal sanctions may not be imposed upon the plaintiff for violation of a provision of the plaintiff's order for protection.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

4. Action by defendant. A defendant may not file a motion to extinguish a final order issued under this chapter. The court may dismiss a motion to extinguish filed by a defendant without a hearing and before opposition is filed.
[PL 2025, c. 159, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2025, c. 157, §2 (AMD). PL 2025, c. 159, §1 (AMD).

§4112. Sealing

1. Identifying information. If a party alleges in an affidavit or a pleading under oath that the health, safety or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed by the clerk of the court and not disclosed to the other party or to the public, unless the court orders the disclosure to be made after a hearing in which the court

takes into consideration the health, safety or liberty of the party or child and determines that the disclosure is in the interest of justice.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Private images. In any proceeding under this chapter, access to and dissemination of certain private images as described in Title 17-A, section 511-A, and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order adopted by the Supreme Judicial Court.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

§4113. Violation

1. Crime committed. Except as provided in subsections 2, 4 and 5, violation of an order is a Class D crime when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Exception. When the only provision of the order that is violated concerns relief authorized under section 4110, subsection 3, paragraphs K to U, the violation must be treated as contempt and punished in accordance with law.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Warrantless arrest. Notwithstanding any provision of law to the contrary, an arrest for criminal violation of an order may be without warrant upon probable cause whether or not the violation is committed in the presence of a law enforcement officer. The law enforcement officer may verify, if necessary, the existence of the order, including by telephone or radio communication with a law enforcement agency with knowledge of the order.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

4. Reckless conduct; assault. A defendant who violates a final protection order issued pursuant to section 4110, an order issued pursuant to former section 4007 or an order that is similar to a protective order pursuant to section 4110 issued by a court of the United States or of another state, territory, commonwealth or federally recognized Indian tribe through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the final protection order or who assaults the plaintiff named in the final protection order commits a Class C crime.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

5. Repeat violations. A person who commits a violation under subsection 1 and has 2 or more prior convictions under subsection 1 or former section 4011, subsection 1 or 2 or more convictions for engaging in substantially similar conduct in another jurisdiction commits a Class C crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

§4114. Law enforcement agency responsibilities

1. Reports. A law enforcement agency shall report all incidents of abuse by adults of family or household members as required by the State Bureau of Identification under Title 25, section 1544.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Agency procedures. A law enforcement agency shall establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of abuse or violation of an order are informed

of any recorded prior incident of abuse involving the abused party and can verify the effective dates and terms of a recorded order.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Officer training. A law enforcement agency shall provide officers employed by the agency an education and training program designed to inform the officers of the problems of family and household abuse, procedures to deal with these problems, the provisions of this chapter and the services and facilities available to abused family and household members. The amount and degree of officer training, beyond the distribution of information, must be determined by each local law enforcement agency.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

4. Maine Criminal Code enforcement. A law enforcement officer at the scene of an alleged incident of abuse shall use the same standard of enforcing relevant Maine Criminal Code sections when the incident involves family or household members as when it involves strangers.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

5. Arrest in certain situations. A law enforcement officer shall arrest and take into custody the alleged offender when the law enforcement officer has probable cause to believe that:

A. There has been a criminal violation under section 4113 of an order issued under this chapter or an order issued under former chapter 101; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. There has been a violation of an order issued under Title 15, chapter 12-A; or [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. There has been a violation of Title 17-A, section 208-D, 208-E or 208-F. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

6. Officer responsibilities. When a law enforcement officer has reason to believe that a family or household member has been abused, the officer shall immediately use all reasonable means to prevent further abuse, including:

A. Remaining on the scene as long as the officer reasonably believes there is a danger to the physical safety of that person without the presence of a law enforcement officer, including, but not limited to, staying in the dwelling unit; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Assisting that person in obtaining medical treatment necessitated by an assault, including driving the victim to the emergency room of the nearest hospital; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. Giving that person immediate and adequate written notice of that person's rights, which include information summarizing the procedures and relief available to victims of the family or household abuse; [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

D. Arresting the abusing party with or without a warrant pursuant to section 4113 and Title 17-A, section 15; and [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

E. Making a good faith effort to administer a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety. The law enforcement officer administering this assessment shall provide the results of the assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the abuse took place. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

7. Law enforcement agency policy. Every law enforcement agency with the duty to investigate, prosecute and arrest offenders of this chapter and Title 17-A shall adopt a written policy on the enforcement of this chapter and the handling of domestic abuse cases in general.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

8. Prosecutorial policy. The Attorney General, in consultation with a statewide association of prosecutors, shall develop a written policy regarding prosecution of domestic abuse cases under the provisions of Title 17-A. The district attorney for each of the several counties within the State shall adopt a written policy regarding prosecution of domestic abuse cases.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

9. Notification of attempted purchase of firearm. When the Department of Public Safety receives notification from a federal agency that a criminal background check conducted under the system established pursuant to 18 United States Code, Section 922(t) indicates that a potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to a temporary or final protection from abuse order, the department shall make every reasonable effort to notify as quickly as practicable both the individual intended to be protected by the protection from abuse order and another law enforcement agency with jurisdiction in the municipality in which that individual resides of the information received from the federal agency.

For the purposes of this subsection, notification may be made by the Department of Public Safety to the individual intended to be protected by the protection from abuse order through a law enforcement agency within the county in which the individual resides. When the department makes notification through such a law enforcement agency, that agency then must make reasonable effort to notify as quickly as practicable the individual intended to be protected by the protection from abuse order. If, when notifying a law enforcement agency, the department is informed by that agency that it cannot notify the individual intended to be protected by the protection from abuse order, the department must continue to make a reasonable effort to notify that individual as quickly as practicable, including through a different law enforcement agency within the county in which the individual resides.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

10. Liability for damages. The State, a political subdivision of the State or a law enforcement officer is not liable for damage that may be caused by the failure or inability to inform an individual who is the subject of a protection from abuse order in accordance with subsection 9. This subsection does not prohibit the State or a political subdivision of the State from pursuing legally authorized disciplinary action.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

11. Service of protection from abuse order. Every law enforcement agency shall adopt a written policy on the service of protection from abuse orders that directs that every order issued under this chapter is served on the subject of the order as quickly as possible, including that service of every temporary, emergency or interim order issued under this chapter must be attempted within 48 hours after receiving notice of that order from the court. Service of a protection from abuse order that is not in compliance with a policy adopted under this subsection does not affect the validity of the service or the order.
[PL 2023, c. 75, §1 (AMD).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 75, §1 (AMD).

§4115. Maine Commission on Domestic and Sexual Abuse

There is created the Maine Commission on Domestic and Sexual Abuse, as established by Title 5, section 12004-I, subsection 74-C, referred to in this section as "the commission." [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

1. Commission members. The commission is composed as follows.

A. The Governor shall appoint the following to serve as members of the commission:

(1) A representative of the statewide coalition of domestic violence projects;

(2) A representative of the statewide coalition of sexual assault centers;

(3) A representative of the mental health profession;

(4) A representative of victims of domestic violence;

(5) A representative of victims of sexual assault;

(6) Two attorneys with experience in domestic relations cases, one of whom has experience representing victims of domestic abuse;

(7) A victim of domestic abuse who has used the court system;

(8) A victim of sexual assault who has used the court system;

(9) A district attorney or assistant district attorney;

(10) A chief of a municipal police department or the chief's designee;

(11) A county sheriff or the sheriff's designee;

(12) The executive director of a statewide coalition to end domestic violence;

(13) The executive director of a statewide coalition against sexual assault;

(14) A person who has experience working in certified domestic violence intervention programs;

(15) Up to 4 members-at-large;

(16) Up to 4 members representing underserved populations;

(17) One tribal member who provides services through a tribal program to tribal members who are victims of domestic or sexual violence;

(18) An executive director of a tribal coalition against sexual assault and domestic violence;

(19) A chief of a tribal police department or the chief's designee;

(20) A representative of a tribal court; and

(21) A representative of tribal government. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. The commission includes the following ex officio voting members:

(1) The Attorney General or the Attorney General's designee;

(2) The Chief of the State Police or the chief's designee;

(3) The Commissioner of Public Safety or the commissioner's designee;

(4) The Commissioner of Health and Human Services or the commissioner's designee;

(5) The Commissioner of Education or the commissioner's designee;

(6) The Commissioner of Labor or the commissioner's designee; and

(7) The Commissioner of Corrections or the commissioner's designee. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. The Chief Justice of the Supreme Judicial Court is requested to appoint one person to serve the commission in an advisory capacity. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Terms of office; chair. The members appointed under subsection 1, paragraph A serve 3-year terms. The Governor shall appoint a chair of the commission from among its members.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Powers and duties. The commission shall advise and assist the executive, legislative and judicial branches of State Government on issues related to domestic and sexual abuse. The commission may make recommendations on legislative and policy actions, including training of the various law enforcement officers, prosecutors and judicial officers responsible for enforcing and carrying out the provisions of this chapter, and may undertake research development and program initiatives consistent with this section. The entire commission shall meet at least 2 times a year. Subcommittees of the commission may meet as necessary. The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this subsection.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

4. Domestic Abuse Homicide Review Panel. The commission shall establish the Domestic Abuse Homicide Review Panel, referred to in this subsection as "the panel," to review the deaths of persons who are killed by family or household members.

A. The chair of the commission shall appoint members of the panel who have experience in providing services to victims of domestic and sexual abuse, which must include at least the following: the Chief Medical Examiner, a physician, a nurse, a law enforcement officer, the Commissioner of Health and Human Services, the Commissioner of Corrections, the Commissioner of Public Safety, a judge as assigned by the Chief Justice of the Supreme Judicial Court, a representative of a statewide association of prosecutors, an assistant attorney general responsible for the prosecution of homicide cases designated by the Attorney General, an assistant attorney general handling child protection cases designated by the Attorney General, a victim-witness advocate, a mental health service provider, a facilitator of a certified domestic violence intervention program under section 4116 and 3 persons designated by a statewide coalition of domestic violence programs. Members who are not state officials serve a 2-year term without compensation, except that of those initially appointed by the chair, 1/2 must be appointed for a one-year term. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. The panel shall recommend to state and local agencies methods of improving the system for protecting persons from domestic and sexual abuse, including modifications of laws, rules, policies and procedures following completion of adjudication. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. The panel shall collect and compile data related to domestic and sexual abuse, including data relating to deaths resulting from domestic abuse when the victim was pregnant at the time of death. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

D. In any case subject to review by the panel, upon oral or written request of the panel, any person that possesses information or records that are necessary and relevant to a homicide review shall as soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon the request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this paragraph. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

E. The proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commission shall disclose conclusions of the panel upon request, but may not disclose information, records or data that are otherwise classified as confidential. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

The commission shall submit a report on the panel's activities, conclusions and recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 30, 2022, and biennially thereafter.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

§4116. Certification of domestic violence intervention programs

1. Rules establishing standards and procedures for certification. The Department of Corrections, referred to in this section as "the department," shall adopt rules pursuant to the Maine Administrative Procedure Act, in consultation with the Maine Commission on Domestic and Sexual Abuse, as established by Title 5, section 12004-I, subsection 74-C, that establish standards and procedures for certification of domestic violence intervention programs. The department, in consultation with the commission, shall review and certify programs that meet the standards. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Information sharing with certified domestic violence intervention programs. In a criminal proceeding that results in the issuance of a court order that directs a person to complete a certified domestic violence intervention program, within 7 days of the issuance of the order the attorney for the State shall provide to the certified domestic violence intervention program in which the person has enrolled or will enroll:

A. The incident report from a law enforcement agency submitted to the attorney for the State that is most relevant to the criminal proceeding, which the certified domestic violence intervention program is authorized to receive pursuant to Title 16, section 805-A, subsection 1, paragraph E; and [PL 2023, c. 235, §5 (AMD).]

B. The last known contact information for the victim in the criminal proceeding. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
[PL 2023, c. 235, §5 (AMD).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 235, §5 (AMD).

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