

§2244. Extreme risk protection orders

1. Petition. A family or household member, a law enforcement agency or a law enforcement officer may file a petition requesting that the court issue an extreme risk protection order in accordance with this subsection.

A. A petition filed pursuant to this subsection must allege that the respondent poses a significant danger of causing physical injury to the respondent or another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon. [IB 2025, c. 1, §6 (NEW).]

B. A significant danger of causing physical injury to another person may be shown by establishing that:

- (1) The respondent has inflicted or attempted to inflict physical injury on another person;
- (2) By the respondent's threats or actions, the respondent has placed another person in reasonable fear of physical injury; or
- (3) By the respondent's actions or inactions, the respondent has presented a danger to another person in the respondent's care.

The court may consider any additional information the court finds to be reliable, including a statement by the respondent, or relevant information from family or household members concerning the respondent, and any other facts that the court finds to be relevant. [IB 2025, c. 1, §6 (NEW).]

C. A significant danger of causing physical injury to the respondent may be shown by establishing that the respondent has threatened or attempted suicide or has threatened or attempted serious bodily injury. [IB 2025, c. 1, §6 (NEW).]

D. The petition must be supported by an affidavit or affidavits that:

- (1) State the specific facts establishing that the requirements in paragraph B or C have been met;
- (2) State whether the petitioner knows of any dangerous weapons in the respondent's possession, custody or control and the identity and location of any such weapons, if known;
- (3) State whether the petitioner knows of an existing order issued with respect to the respondent under Title 5, section 4655 or Title 19-A, chapter 103 or a similar order issued by a court of competent jurisdiction in the United States or another state, territory, commonwealth or federally recognized Indian tribe; and
- (4) Acknowledge that the petitioner is aware that it is a crime to make a false statement under oath in a court document. [IB 2025, c. 1, §6 (NEW).]

E. The court shall provide forms to a petitioner filing a petition or any other necessary documents. The court may not provide assistance in filling out any such forms or in drafting legal documents or provide legal advice to a petitioner. The forms provided by the court under this paragraph must be uniform throughout the State and must include a summons and an affidavit for an extreme risk protection order. The summons must include a section on which the petitioner may list the places where the respondent may be located or may be available to be served. [IB 2025, c. 1, §6 (NEW).]

F. A filing fee may not be required for a petition filed pursuant to this subsection. [IB 2025, c. 1, §6 (NEW).]

[IB 2025, c. 1, §6 (NEW).]

2. Hearing. Except as provided in section 2245 with respect to an emergency extreme risk protection order, the court may grant relief only after notice to the respondent and an opportunity for a

hearing. The petitioner has the burden of proving by a preponderance of the evidence that the respondent poses a significant danger of causing physical injury to the respondent or another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon.

A. The court shall hold a hearing within 14 days after a petition is filed pursuant to this section. Notice of the hearing must be served pursuant to section 2247 concurrently with the petition and any ex parte order issued pursuant to section 2245. This section does not limit the court's discretion to continue the hearing upon the court's own motion or upon motion of either party. [IB 2025, c. 1, §6 (NEW).]

B. The respondent has the right to be represented by counsel at a hearing. The court may, in its discretion, appoint counsel for an indigent party. The State is responsible for the cost of appointed counsel. [IB 2025, c. 1, §6 (NEW).]

[IB 2025, c. 1, §6 (NEW).]

3. Orders. The court shall grant a petition and issue an extreme risk protection order if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing physical injury to the respondent or to another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon.

A. The court shall issue an order under this subsection prohibiting the respondent from purchasing, possessing or receiving a dangerous weapon or having or attempting to have custody or control of a dangerous weapon for a period of up to one year. The order must be signed in writing and include the following:

- (1) A statement of the grounds for the issuance of the order;
- (2) The name and address of the court where any filings must be made, the names of the parties, the date of the petition, the date and time of the order and the date and time the order expires;
- (3) A description of how to appeal the order pursuant to section 2251;
- (4) A description of the requirements for relinquishment and return of a dangerous weapon under section 2250;
- (5) A description of how to request termination of the order under section 2246, including a form for a motion to terminate the order; and
- (6) A statement in substantially the following form:

"To the subject of this extreme risk protection order: This order is in effect until the date and time stated above. If you have not done so already, you are required to surrender all dangerous weapons in your possession, control or custody as directed in this order. While this order is in effect, you are not allowed to purchase, possess or receive a dangerous weapon; attempt to purchase, possess or receive a dangerous weapon; or have or attempt to have custody or control of a dangerous weapon. You have the right to request one hearing to terminate this order during the period that this order is in effect, starting from the date of this order. You may seek the advice of an attorney regarding any matter connected with this order." [IB 2025, c. 1, §6 (NEW).]

B. The court shall make either written findings of fact or oral findings of fact on the record. If a court denies a petition filed pursuant to this subsection, the court shall state the reason for the denial. [IB 2025, c. 1, §6 (NEW).]

C. An order issued pursuant to this section must include the following statement: "VIOLATION OF THIS ORDER IS A CRIME AS PROVIDED BY THE MAINE REVISED STATUTES, TITLE 15, SECTION 393, AND MAY ALSO RESULT IN SANCTIONS FOR CONTEMPT

PURSUANT TO THE MAINE RULES OF CIVIL PROCEDURE, RULE 66." [IB 2025, c. 1, §6 (NEW).]

[IB 2025, c. 1, §6 (NEW).]

SECTION HISTORY

IB 2025, c. 1, §6 (NEW).

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