

§2245. Emergency extreme risk protection orders

1. Petition. In filing a petition under this chapter, a petitioner may request that the court issue an emergency extreme risk protection order. An emergency extreme risk protection order may be issued ex parte, without prior notice to the respondent.

A. A petitioner seeking an emergency ex parte order shall indicate in the petition and affidavit or affidavits that emergency relief is requested because the respondent poses an immediate and 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. An affidavit must include specific facts supporting the statement that the respondent poses an immediate and significant danger. [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 court may issue an emergency extreme risk protection order if the petition and affidavit or affidavits present good cause that the respondent poses an immediate and 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. [IB 2025, c. 1, §6 (NEW).]

E. The court shall decide whether to grant or deny the petition and issue the order on the basis of the contents of the petition and the affidavit or affidavits provided. If the petition is granted, the court shall immediately sign the original order, enter on its face the exact date and time it is issued and transmit a copy to the petitioner by reliable electronic means, such as e-mail. Upon issuance of an order, a copy must be served on the respondent pursuant to section 2247. [IB 2025, c. 1, §6 (NEW).]

F. The court may issue an emergency extreme risk protection order by reliable electronic means pursuant to this subsection if requested by the petitioner. [IB 2025, c. 1, §6 (NEW).]

[IB 2025, c. 1, §6 (NEW).]

2. Order. An order issued pursuant to this section may prohibit for a period of up to 14 days the respondent from purchasing, possessing or receiving a dangerous weapon or having or attempting to have custody or control of a dangerous weapon. This section does not limit the court's discretion to continue the final hearing and extend the order upon the court's own motion or upon the motion of either party.

A. The order must be 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) The date and time of the hearing under subsection 3, paragraph A when the respondent may appear to contest the order before the court. The opportunity to contest the order must be scheduled as soon as reasonably possible, but may not be more than 14 days after the date of the issuance of the order unless extended upon the court's own motion or upon the motion of either party;
- (4) A description of the requirements for relinquishment and return of dangerous weapons under section 2250; and
- (5) A statement in substantially the following form:

"To the subject of this emergency 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. A hearing will be held on the date and time noted above to determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in the court making an order against you that is valid for up to one year. You may request an extension of the hearing date. You may seek the advice of an attorney regarding any matter connected with this order. An attorney may be appointed at the discretion of the court to represent you if you cannot afford one." [IB 2025, c. 1, §6 (NEW).]

B. An order issued pursuant to this section must include the following statement: "VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, 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).]

If a court denies a petition filed pursuant to this subsection, the court shall state the reason for the denial, which may include either written findings of fact or oral findings of fact on the record.

[IB 2025, c. 1, §6 (NEW).]

3. Duration. The duration of an emergency extreme risk protection order issued pursuant to this section is as follows.

A. Unless the petition is voluntarily dismissed pursuant to paragraph B, the court shall hold a hearing within 14 days after the issuance of an emergency extreme risk protection order to determine if an extreme risk protection order should be issued. If not voluntarily dismissed, the emergency extreme risk protection order expires when the court grants or denies a petition for an extreme risk protection order in accordance with section 2244, subsection 3. [IB 2025, c. 1, §6 (NEW).]

B. The petitioner may voluntarily dismiss a petition filed pursuant to this section at any time prior to the hearing required under paragraph A if the petitioner determines the respondent no longer poses an immediate and 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. If the petitioner voluntarily dismisses the petition pursuant to this paragraph, the court shall vacate the emergency extreme risk protection order and direct a law enforcement agency in possession of a dangerous weapon belonging to the respondent to return it to the respondent consistent with section 2250. [IB 2025, c. 1, §6 (NEW).]

[IB 2025, c. 1, §6 (NEW).]

SECTION HISTORY

IB 2025, c. 1, §6 (NEW).

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