

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

S.P. 551 - L.D. 1696

An Act To Clarify and Recodify Maine's Protection from Abuse Statutes

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

PART A

Sec. A-1. 5 MRSA §12004-I, sub-§74-C, as amended by PL 2001, c. 240, §1, is further amended to read:

74-C.

Public Safety	Maine Commission on Domestic and Sexual Abuse	Expenses Only	19-A MRSA §4013 <u>§4115</u>
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Sec. A-2. 19-A MRSA c. 101, as amended, is repealed.

Sec. A-3. 19-A MRSA c. 103 is enacted to read:

CHAPTER 103

PROTECTION FROM ABUSE

§4101. Purposes

The court shall liberally construe and apply this chapter to promote the following underlying purposes:

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;

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;

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;

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;

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

6. Mutual order. To declare that a mutual order of protection or restraint undermines the purposes of this chapter.

§4102. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

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;

B. Attempting to place or placing another in fear of bodily injury, regardless of intent, through any course of conduct, including, but not limited to, threatening, harassing or tormenting behavior;

C. Compelling a person by force, threat of force 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;

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;

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, and 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;

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;

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

H. Engaging in aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively.

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.

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

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.

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.

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

A. Present or former spouses or domestic partners;

B. Individuals presently or formerly living together as spouses;

C. Parents of the same child;

D. Adult household members related by consanguinity or affinity;

E. Minor children of a parent or guardian when the defendant is an adult household member of that parent or guardian;

F. Individuals presently or formerly living together; and

G. Individuals who are or were sexual partners.

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.

7. Law enforcement agency. "Law enforcement agency" means a state, county, tribal, municipal or University of Maine System law enforcement agency.

8. Order. "Order" means:

- A. A temporary, emergency or interim order issued under this chapter;
- B. A final protection order issued under this chapter after hearing or opportunity for hearing or with consent of the parties;
- C. An order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; or
- D. A similar order issued by a court of the United States or of another state, territory, commonwealth or federally recognized Indian tribe.

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.

§4103. Eligibility

The following persons are eligible to seek relief under this chapter:

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

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;

2. Minor child. A person responsible for a child, as defined in Title 22, section 4002, subsection 9, or a representative of the department when a minor 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;
- 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; or

(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;

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;

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

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.

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.

§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

B. If the plaintiff has left the plaintiff's residence to avoid abuse, of the plaintiff's previous residence or new residence.

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.

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.

§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.

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.

3. Other remedies and relief. A proceeding under this chapter is in addition to any other available civil or criminal remedies.

4. No criminal proceeding required. Relief may be sought under this chapter regardless of whether a criminal prosecution has occurred.

§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.

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.

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.

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.

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.

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.

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.

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.

§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.

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.

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.

§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. A temporary order remains in effect pending a hearing pursuant to section 4109.

- 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;
 - 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

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.

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

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.

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.

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.

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.

C. A temporary order under this subsection remains in effect pending a hearing pursuant to section 4109.

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

B. Advise the plaintiff of reasons for the denial.

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.

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.

§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.

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.

3. **Intoxication.** Voluntary intoxication is not a defense to an action under this chapter.

§4110. Relief

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.

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.

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;

B. Directing the defendant not to possess a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon for the duration of the order;

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;

D. Directing the defendant not to go upon the premises of the plaintiff's residence;

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;

F. Directing the defendant not to have any direct or indirect contact with the plaintiff, including via social media;

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;

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;

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;

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;

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;

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;

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;

N. Ordering the payment of temporary support for a dependent party when the defendant has a legal obligation to support that dependent party;

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;

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;

Q. Ordering the defendant to pay court costs or reasonable attorney's fees;

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;

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;

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

U. Entering any other orders determined necessary or appropriate in the discretion of the court.

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.

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 by the court pursuant to section 4111.

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.

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.

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

A. Affect title to any real property;

B. Require the execution of a bond by the plaintiff prior to issuance of an order of protection; or

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.

§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;

B. Conduct that has occurred since the entry of the final protection order;

- C. The continued effect of any abuse on the plaintiff; and
- D. All other relevant factors pursuant to the discretion of the court.

The court may continue the final protection order in effect until a hearing under section 4109, subsection 1 on the motion to extend.

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.

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.

§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.

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.

§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.

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.

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.

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.

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.

§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.

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.

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.

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.

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;

B. There has been a violation of an order issued under Title 15, chapter 12-A; or

C. There has been a violation of Title 17-A, section 208-D, 208-E or 208-F.

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;

B. Assisting that person in obtaining medical treatment necessitated by an assault, including driving the victim to the emergency room of the nearest hospital;

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;

D. Arresting the abusing party with or without a warrant pursuant to section 4113 and Title 17-A, section 15; and

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.

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.

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.

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.

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.

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.

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.

§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."

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.

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.

C. The Chief Justice of the Supreme Judicial Court is requested to appoint one person to serve the commission in an advisory capacity.

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.

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.

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.

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.

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.

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.

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.

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.

§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.

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, subsection 5; and

B. The last known contact information for the victim in the criminal proceeding.

Sec. A-4. Transition.

1. Appointments. All members of the Maine Commission on Domestic and Sexual Abuse appointed under the Maine Revised Statutes, Title 19-A, former section 4013 and serving in the appointed position on January 1, 2023 continue to serve as members of the commission under section 4115 for the remainder of the terms for which they were appointed. All members of the Domestic Abuse Homicide Review Panel appointed under Title 19-A, former section 4013, subsection 4 and serving in the appointed position on January 1, 2023 continue to serve as members of the review panel under section 4115, subsection 4 for the remainder of the terms for which they were appointed.

2. Contracts and agreements. All contracts, agreements and compacts of the Maine Commission on Domestic and Sexual Abuse in effect on January 1, 2023 continue in effect.

3. Domestic violence intervention programs. The certification by the Maine Commission on Domestic and Sexual Abuse of domestic violence intervention programs prior to January 1, 2023 is not affected by the repeal of Title 19-A, chapter 101, and the certified programs are deemed certified by the Maine Commission on Domestic and Sexual Abuse under Title 19-A, section 4116.

4. Protection from abuse orders. Protection from abuse orders issued under Title 19-A, former chapter 101 before January 1, 2023 are valid and remain in effect as provided by the terms of the orders. Extension, modification and termination of those orders are governed by Title 19-A, chapter 103 on and after January 1, 2023. Any reference to modifying or enforcing an order issued pursuant to Title 19-A, chapter 103 applies to the modification or enforcement of an order issued under Title 19-A, former chapter 101.

Sec. A-5. Legislative intent. It is the intent of the Legislature that, in clarifying and recodifying the protection from abuse statutes and incorporating established case law for judicial economy and clarity, this Act make no substantive changes to existing law.

PART B

Sec. B-1. 4 MRSA §183, sub-§1, ¶D, as amended by PL 2015, c. 296, Pt. C, §1 and Pt. D, §1, is further amended by amending subparagraph (2-A) to read:

(2-A) Parental rights and responsibilities and parent-child contact orders entered pursuant to Title 19-A, former section 4006, subsection 5 ~~and, former~~ section 4007, subsection 1, paragraph G and Title 19-A, section 4108, subsection 2 and section 4110, subsection 3, paragraph I to make such orders consistent with subsequently entered orders in matters included in subparagraphs (1), (2) and (3);

Sec. B-2. 7 MRSA §3906-B, sub-§9, as amended by PL 2007, c. 439, §2, is further amended to read:

9. Employees. The commissioner, in consultation with the Animal Welfare Advisory Committee, shall employ, subject to the Civil Service Law, necessary employees to assist in enforcing this Part and in carrying out the commissioner's duties and responsibilities. The commissioner shall conduct a background check of a potential employee. The commissioner may not hire as a state humane agent a person who has been convicted of murder, a Class A or Class B offense, a violation under Title 17-A, chapter 9, 11, 12 or 13, a violation of Title 19-A, former section 4011 or Title 19-A, section 4113 or a criminal violation under Title 17, chapter 42 or a person who has been adjudicated of a civil violation for cruelty to animals under chapter 739 or who has been convicted or adjudicated in any other state, provincial or federal court of a violation similar to those specified in this subsection.

Sec. B-3. 8 MRSA §231, sub-§4, ¶A, as enacted by PL 1999, c. 671, §12, is amended to read:

A. Records of incidents of abuse by the applicant of family or household members provided pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1;

Sec. B-4. 10 MRSA §1310-H, sub-§2-A, as enacted by PL 2019, c. 407, §1, is amended to read:

2-A. Economic abuse. Except as prohibited by federal law, if a consumer provides documentation to the consumer reporting agency as set forth in Title 14, section 6001,

subsection 6, paragraph H that the debt or any portion of the debt is the result of economic abuse as defined in Title 19-A, section ~~4002~~ 4102, subsection ~~3-B~~ 5, the consumer reporting agency shall reinvestigate the debt. If after the investigation it is determined that the debt is the result of economic abuse, the consumer reporting agency shall remove any reference to the debt or any portion of the debt determined to be the result of economic abuse from the consumer's credit report.

Sec. B-5. 14 MRSA §6000, sub-§1, as enacted by PL 2015, c. 293, §1, is amended to read:

1. Domestic violence. "Domestic violence" means conduct described in Title 17-A, chapters 9, 11, 12 and 13; Title 17-A, sections 432, 433, 506, 506-A, 506-B, 758, 805, 806, 852 and 853; and Title 19-A, section ~~4002~~ 4102, subsection 1, when the victim of that conduct or threat is a family or household member, as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, paragraphs A to E or dating partner, as defined in Title 19-A, section ~~4002~~ 4102, subsection ~~3-A~~ 4.

Sec. B-6. 15 MRSA §891, sub-§2, as enacted by PL 2007, c. 536, §1, is amended to read:

2. Exceptions. This section does not apply to the crime or juvenile crime of refusing to submit to arrest or detention as defined by Title 17-A, section 751-A, to any crime or juvenile crime in which the alleged victim is a family or household member as defined in Title 19-A, chapter ~~104~~ 103 or to any juvenile who has previously been adjudicated of a juvenile crime or who has previously obtained relief under this section with respect to a juvenile petition.

Sec. B-7. 15 MRSA §1003, sub-§3-A, ¶B, as enacted by PL 2011, c. 341, §1, is amended to read:

B. A violation of a protective order under Title 19-A, section ~~4044~~ 4113, the alleged victim of which is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, paragraphs A to E.

Sec. B-8. 15 MRSA §1023, sub-§4, ¶B-1, as amended by PL 2019, c. 113, Pt. C, §32, is further amended to read:

B-1. Set preconviction bail for a defendant alleged to have committed any of the following offenses against a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6:

- (1) A violation of a protection from abuse order provision set forth in Title 19-A, former section 4006, subsection 5, paragraph A, B, C, D, E or F or; Title 19-A, former section 4007, subsection 1, paragraph A, A-1, A-2, B, C, D, E or G; Title 19-A, section 4108, subsection 2, paragraph B, subparagraphs (1) to (6); or Title 19-A, section 4110, subsection 3, paragraph A, B, C, D, E, F, G or I;
- (2) Any Class A, B or C crime under Title 17-A, chapter 9;
- (3) Any Class A, B or C sexual assault offense under Title 17-A, chapter 11;
- (4) Kidnapping under Title 17-A, section 301;

(5) Criminal restraint under Title 17-A, section 302, subsection 1, paragraph A, subparagraph (4) or Title 17-A, section 302, subsection 1, paragraph B, subparagraph (2);

(6) Domestic violence stalking that is a Class C crime under Title 17-A, section 210-C, subsection 1, paragraph B;

(7) Domestic violence criminal threatening that is a Class C crime under Title 17-A, section 209-A, subsection 1, paragraph B or domestic violence criminal threatening that is elevated to a Class C crime by the use of a dangerous weapon under Title 17-A, section 1604, subsection 5, paragraph A;

(8) Domestic violence terrorizing that is a Class C crime under Title 17-A, section 210-B, subsection 1, paragraph B or domestic violence terrorizing that is elevated to a Class C crime by the use of a dangerous weapon under Title 17-A, section 1604, subsection 5, paragraph A; or

(9) Domestic violence reckless conduct that is a Class C crime under Title 17-A, section 211-A, subsection 1, paragraph B or domestic violence reckless conduct that is elevated to a Class C crime by the use of a dangerous weapon under Title 17-A, section 1604, subsection 5, paragraph A;

Sec. B-9. 15 MRSA §1026, sub-§1, as amended by PL 2007, c. 374, §3, is further amended by amending the first blocked paragraph to read:

Every order for the pretrial release of any defendant must include a waiver of extradition by the defendant and the conditions that the defendant refrain from new criminal conduct and not violate any pending protection from abuse orders pursuant to former Title 19, section 769 or Title 19-A, former section 4011 or Title 19-A, section 4113.

Sec. B-10. 15 MRSA §1026, sub-§4, ¶C, as amended by PL 2021, c. 397, §5, is further amended by amending subparagraph (11) to read:

(11) Whether the defendant has previously violated conditions of release, probation or other court orders, including, but not limited to, violating protection from abuse orders pursuant to former Title 19, section 769 or Title 19-A, former section 4011 or Title 19-A, section 4113;

Sec. B-11. 15 MRSA §1051, sub-§1, as amended by PL 1997, c. 543, §12, is further amended by amending the last blocked paragraph to read:

Every order for post-conviction release of a defendant must include a waiver of extradition by the defendant as well as a condition of bail that the defendant refrain from new criminal conduct and not violate any pending protection from abuse order pursuant to former Title 19, section 769, ~~or~~ Title 19-A, former section 4011 or Title 19-A, section 4113.

Sec. B-12. 15 MRSA §1051, sub-§2, as amended by PL 2007, c. 374, §12, is further amended by amending the first blocked paragraph to read:

In determining whether to admit a defendant to bail, the judge or justice shall consider the factors relevant to preconviction bail listed in section 1026, as well as the facts proved at trial, the length of the term of imprisonment imposed and any previous unexcused failure to appear as required before any court or the defendant's prior failure to obey an order or judgment of any court, including, but not limited to, violating a protection from abuse order

pursuant to former Title 19, section 769 ~~or~~, Title 19-A, former section 4011 or Title 19-A, section 4113.

Sec. B-13. 15 MRSA §1094-B, sub-§1, as amended by PL 2017, c. 66, §1, is further amended by amending the first blocked paragraph to read:

As used in this subsection, "family or household member" has the same meaning as in Title 19-A, section ~~4002~~ 4102, subsection 4 6.

Sec. B-14. 15 MRSA §1094-C, sub-§1, as enacted by PL 2017, c. 432, Pt. A, §2, is amended by amending the first blocked paragraph to read:

As used in this subsection, "family or household member" has the same meaning as in Title 19-A, section ~~4002~~ 4102, subsection 4 6, paragraphs A to E.

Sec. B-15. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 2017, c. 148, §3, is further amended by amending subparagraph (5-A) to read:

(5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6;

Sec. B-16. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 2017, c. 148, §3, is further amended by amending subparagraph (13) to read:

(13) Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769, subsection 2; former Title 19, section 770, subsection 5; Title 19-A, former section 4011, subsection 3; ~~and~~ Title 19-A, former section 4012, subsection 5; Title 19-A, section 4113, subsection 3; and Title 19-A, section 4114, subsection 5;

Sec. B-17. 17-A MRSA §207-A, sub-§1, ¶A, as enacted by PL 2007, c. 436, §1 and affected by §7, is amended to read:

A. The person violates section 207 and the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6. Violation of this paragraph is a Class D crime; or

Sec. B-18. 17-A MRSA §207-A, sub-§1, ¶B, as amended by PL 2019, c. 412, §1, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, former section 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section ~~4011~~ 4113, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

Sec. B-19. 17-A MRSA §208-D, sub-§1, as enacted by PL 2019, c. 412, §2, is amended to read:

1. A person is guilty of domestic violence aggravated assault if that person:

A. Violates section 208, subsection 1, paragraph A and the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6. Violation of this paragraph is a Class B crime;

B. Violates section 208, subsection 1, paragraph A-1 and the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6. Violation of this paragraph is a Class A crime;

C. Violates section 208, subsection 1, paragraph B and the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6. Violation of this paragraph is a Class B crime; or

D. Violates section 208, subsection 1, paragraph C and the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6. Violation of this paragraph is a Class B crime.

Sec. B-20. 17-A MRSA §208-E, sub-§1, ¶B, as enacted by PL 2019, c. 412, §2, is amended to read:

B. The victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6.

Sec. B-21. 17-A MRSA §208-F, sub-§1, ¶B, as enacted by PL 2019, c. 412, §2, is amended to read:

B. The victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6.

Sec. B-22. 17-A MRSA §209-A, sub-§1, ¶A, as enacted by PL 2007, c. 436, §2 and affected by §7, is amended to read:

A. The person violates section 209 and the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6. Violation of this paragraph is a Class D crime; or

Sec. B-23. 17-A MRSA §209-A, sub-§1, ¶B, as amended by PL 2019, c. 412, §3, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, former section 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section ~~4011~~ 4113, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

Sec. B-24. 17-A MRSA §210-A, sub-§1, ¶C, as amended by PL 2019, c. 113, Pt. C, §59, is further amended by amending the last blocked paragraph to read:

For the purposes of this paragraph, "prior conviction" means a conviction for a violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19, section 769; Title 19-A, former section 4011 or Title 19-A, section 4113; Title 22, section 4036; any other temporary, emergency, interim or final protective order; an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe; or a court-approved consent agreement. Section 9-A governs the use of prior convictions when determining a sentence;

Sec. B-25. 17-A MRSA §210-B, sub-§1, ¶A, as enacted by PL 2007, c. 436, §3 and affected by §7, is amended to read:

A. The person violates section 210 and the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6. Violation of this paragraph is a Class D crime; or

Sec. B-26. 17-A MRSA §210-B, sub-§1, ¶B, as amended by PL 2019, c. 412, §4, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, former section 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section ~~4011~~ 4113, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

Sec. B-27. 17-A MRSA §210-C, sub-§1, ¶A, as enacted by PL 2007, c. 436, §4 and affected by §7, is amended to read:

A. The person violates section 210-A and the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6. Violation of this paragraph is a Class D crime; or

Sec. B-28. 17-A MRSA §210-C, sub-§1, ¶B, as amended by PL 2019, c. 412, §5, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, former section 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section ~~4011~~ 4113, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when

the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

Sec. B-29. 17-A MRSA §211-A, sub-§1, ¶A, as enacted by PL 2007, c. 436, §5 and affected by §7, is amended to read:

A. The person violates section 211 and the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6. Violation of this paragraph is a Class D crime; or

Sec. B-30. 17-A MRSA §211-A, sub-§1, ¶B, as amended by PL 2019, c. 412, §6, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, ~~former~~ section 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section ~~4011~~ 4113, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

Sec. B-31. 17-A MRSA §506-A, sub-§1, ¶A, as amended by PL 2009, c. 246, §1, is further amended by amending subparagraph (1), division (b) to read:

(b) A court in a protective order issued under Title 5, section 4654 or 4655 or Title 19-A, former section 4006 or 4007 or Title 19-A, section 4108 or 4110;
or

Sec. B-32. 17-A MRSA §506-B, sub-§3, as amended by PL 2005, c. 207, §1, is further amended to read:

3. Violation of a protection from abuse order issued under Title 19-A, section ~~4006~~ 4108 or ~~4007~~ 4110, subsection ~~3~~ 3, paragraphs A to G, is a Class D crime as provided in Title 19-A, section ~~4011~~ 4113, subsection 1 or a Class C crime as provided in Title 19-A, section ~~4011~~ 4113, subsection 4.

Sec. B-33. 17-A MRSA §1501, sub-§9, as amended by PL 2021, c. 174, §1, is further amended to read:

9. Recognize domestic violence and certified domestic violence intervention programs. Recognize domestic violence as a serious crime against the individual and society and to recognize domestic violence intervention programs certified pursuant to Title 19-A, section ~~4014~~ 4116 as the most appropriate and effective community intervention in cases involving domestic violence.

Sec. B-34. 17-A MRSA §1603, sub-§2, ¶C, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

C. That the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, paragraphs A to E who is a victim of domestic violence committed by the convicted individual.

Sec. B-35. 17-A MRSA §1801, sub-§1, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

1. Dating partner. "Dating partner" has the same meaning as in Title 19-A, section ~~4002~~ 4102, subsection ~~3-A~~ 4.

Sec. B-36. 17-A MRSA §1801, sub-§2, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

2. Family or household member. "Family or household member" has the same meaning as in Title 19-A, section ~~4002~~ 4102, subsection 4 6, paragraphs A to E.

Sec. B-37. 17-A MRSA §1801, sub-§3, ¶C, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

C. A person who has obtained under Title 19-A, former section 4007 or Title 19-A, section 4110 an active protection order or approved consent agreement against the defendant.

Sec. B-38. 17-A MRSA §1802, sub-§1, ¶B, as amended by PL 2021, c. 447, §4, is further amended by amending subparagraph (3) to read:

(3) A Class D crime under Title 5, section 4659, subsection 1; Title 15, section 321, subsection 6; ~~or Title 19-A, former section 4011, subsection 1;~~ or Title 19-A, section 4113;

Sec. B-39. 17-A MRSA §1804, sub-§6, as amended by PL 2021, c. 174, §2, is further amended to read:

6. Exception to limits when person ordered to complete domestic violence intervention program and pay restitution. If the State pleads and proves that the enumerated Class D or Class E crime was committed by the person against a family or household member and the court orders the person to complete a certified domestic violence intervention program as defined in Title 19-A, section 4014 4116, the person may be placed on probation for a period not to exceed 2 years, except that, on motion by the person's probation officer, the person or the court, the term of probation must be terminated by the court when the court determines that the person has:

- A. Served at least one year of probation;
- B. Completed the certified domestic violence intervention program;
- C. Paid in full any victim restitution ordered; and
- D. From the time the period of probation commenced until the motion for termination is heard, met all other conditions of probation.

As used in this subsection, "enumerated Class D or Class E crime" means any Class D crime in chapter 9, any Class D or Class E crime in chapter 11, the Class D crimes described in sections 302 and 506-B and the Class D crimes described in sections 554, 555 and 758.

Sec. B-40. 17-A MRSA §1807, sub-§2, ¶D-1, as enacted by PL 2021, c. 174, §4, is amended to read:

D-1. Complete a certified domestic violence intervention program. The court may not order and the State may not pay for the person to attend a domestic violence intervention program unless the program is certified under Title 19-A, section 4014 4116;

Sec. B-41. 17-A MRSA §2106, first ¶, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

Upon complying with subsection 1, a victim of a crime of murder or of a Class A, Class B or Class C crime or of a Class D crime under chapters 9, 11 and 12 for which the defendant is committed to the Department of Corrections or to a county jail or is committed to the custody of the Commissioner of Health and Human Services either under Title 15, section 103 after having been found not criminally responsible by reason of insanity or under Title 15, section 101-D after having been found incompetent to stand trial must receive notification of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon release from commitment under Title 15, section 101-D or upon discharge under Title 15, section 104-A; must receive notification of any conditional release of the defendant from institutional confinement, including probation, supervised release for sex offenders, parole, furlough, work release, funeral or deathbed visit, supervised community confinement, home release monitoring or similar program, administrative release or release under Title 15, section 104-A; and must receive notification of the defendant's escape from the Department of Corrections, the custody of the Commissioner of Health and Human Services or the county jail to which the defendant is committed. For purposes of this section, "victim" also includes a person who has obtained under Title 19-A, former section 4007 or Title 19-A, section 4110 an active protection order or approved consent agreement against the defendant.

Sec. B-42. 17-A MRSA §2107, last ¶, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

For purposes of this section, "crime involving domestic violence" has the same meaning as in Title 15, section 1003, subsection 3-A and includes those crimes under section 152, subsection 1, paragraph A, section 208 and section 208-B when the victim is a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, paragraphs A to E.

Sec. B-43. 17-A MRSA §2301, sub-§1, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

1. Family or household member. "Family or household member" has the same meaning as in Title 19-A, section ~~4002~~ 4102, subsection 4 6.

Sec. B-44. 19-A MRSA §852, sub-§4, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

4. Mutual order of protection or restraint. Orders issued pursuant to this section do not supersede orders issued pursuant to former chapter 101 or chapter 103.

Sec. B-45. 19-A MRSA §903, sub-§4, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

4. Mutual order of protection or restraint. Orders issued pursuant to this section do not supersede orders issued pursuant to former chapter 101 or chapter 103.

Sec. B-46. 19-A MRSA §1653, sub-§3, ¶O, as amended by PL 2001, c. 665, §1, is further amended to read:

O. A parent's prior willful misuse of the protection from abuse process in former chapter 101 or chapter 103 in order to gain tactical advantage in a proceeding involving the determination of parental rights and responsibilities of a minor child. Such willful misuse may ~~only~~ be considered only if established by clear and convincing evidence; and if it is further found by clear and convincing evidence that, in the particular circumstances of the parents and child, that willful misuse tends to show that the acting parent will in the future have a lessened ability and willingness to cooperate and work with the other parent in their shared responsibilities for the child. The court shall articulate findings of fact whenever relying upon this factor as part of its determination of a child's best interest. The voluntary dismissal of a protection from abuse petition may not, taken alone, be treated as evidence of the willful misuse of the protection from abuse process;

Sec. B-47. 19-A MRSA §1653, sub-§5-A, as enacted by PL 2001, c. 273, §1, is amended to read:

5-A. Effect of protective order. Although the court shall consider the fact that a protective order was issued under former chapter 101 or chapter 103, the court shall determine the proper award of parental rights and responsibilities and award of rights of contact de novo and may not use as precedent the award of parental rights and responsibilities and rights of contact included in the protective order.

Sec. B-48. 22 MRSA §1727, sub-§1, as reallocated by RR 2015, c. 1, §18, is amended to read:

1. Service of protection from abuse order. A law enforcement agency may request that a hospital provide access to a defendant who is receiving care in the hospital for the purpose of serving a protection from abuse order pursuant to Title 19-A, section ~~4006~~, ~~subsection 6~~ 4107.

A. The hospital shall provide the law enforcement agency with an opportunity to serve the defendant personally with the order at a time the hospital determines is clinically appropriate with due consideration to the medical condition of the defendant.

B. A hospital may disclose that the defendant is a patient to facilitate service under this section regardless of patient consent.

Sec. B-49. 22 MRSA §3028, sub-§12, as enacted by PL 2005, c. 88, Pt. A, §2, is amended to read:

12. Report to domestic abuse panel. If the Chief Medical Examiner determines that a death resulted from criminal conduct and that the victim was pregnant at the time of death, the Chief Medical Examiner shall send a copy of any report prepared under this section to the Domestic Abuse Homicide Review Panel created pursuant to Title 19-A, section ~~4013~~ 4115.

Sec. B-50. 22 MRSA §4008, sub-§2, ¶E, as amended by PL 2005, c. 300, §5, is further amended to read:

E. A person having the legal responsibility or authorization to evaluate, treat, educate, care for or supervise a child, parent or custodian who is the subject of a record, or a member of a panel appointed by the department to review child deaths and serious injuries, or a member of the Domestic Abuse Homicide Review Panel established under Title 19-A, section ~~4013~~ 4115, subsection 4. This includes a member of a treatment team or group convened to plan for or treat a child or family that is the subject of a record. This may also include a member of a support team for foster parents, if that team has been reviewed and approved by the department;

Sec. B-51. 22 MRSA §4036, sub-§1, ¶I, as amended by PL 2021, c. 174, §12, is further amended to read:

I. The court may not order and the State may not pay for the defendant to attend a domestic violence intervention program unless the program is certified under Title 19-A, section ~~4014~~ 4116.

Sec. B-52. 24-A MRSA §2159-B, sub-§1, as enacted by PL 2001, c. 16, §1, is amended to read:

1. Discrimination prohibited. An insurer, nonprofit hospital and medical service organization or health maintenance organization that issues life, health or disability coverage may not deny, cancel, refuse to renew or restrict coverage of any person or require the payment of additional charges based on the fact or perception that the person is, or may become, the victim of domestic abuse, under Title 19-A, section ~~4002~~ 4102. This subsection does not prohibit applying an underwriting or rating criterion to a victim of domestic abuse based on physical or mental history or other factors of general applicability regardless of the underlying cause and in accordance with the requirements of section 2159, subsections 1 and 2. An insurer, nonprofit hospital and medical service organization or health maintenance organization may not be held criminally or civilly liable for any cause

of action that may result from compliance with this subsection. This subsection does not prohibit an insurer, nonprofit hospital and medical service organization or health maintenance organization from declining to issue coverage to an applicant known to be, or to have been, an abuser of the proposed insured.

Sec. B-53. 25 MRSA §2003, sub-§4, ¶A, as amended by PL 1995, c. 694, Pt. D, §51 and affected by Pt. E, §2, is further amended to read:

A. Information of record relative to incidents of abuse by the applicant of family or household members, provided pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1;

Sec. B-54. 25 MRSA §2003, sub-§5, as amended by PL 1995, c. 694, Pt. D, §52 and affected by Pt. E, §2 and amended by PL 2005, c. 236, §§3 and 4, is further amended to read:

5. Access to confidential records. Notwithstanding that certain records retained by governmental entities are by law made confidential, the records pertaining to patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, and records compiled pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1, that are necessary to the issuing authority's determination of the applicant's good moral character and compliance with the additional requirements of this section and of section 2005 must, at the request of the issuing authority, be made available for inspection by and dissemination to the issuing authority.

Sec. B-55. 25 MRSA §2473, sub-§5, ¶A, as enacted by PL 1999, c. 652, §9, is amended to read:

A. Records of incidents of abuse of family or household members by the applicant provided pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1;

Sec. B-56. 25 MRSA §2803-B, sub-§1, ¶D, as repealed and replaced by PL 2015, c. 329, Pt. A, §14, is amended by amending subparagraph (4) to read:

(4) Standard procedures to ensure that protection from abuse orders issued under Title 19-A, section ~~4006~~ 4108 or ~~4007~~ 4110 are served on the defendant as quickly as possible; and

Sec. B-57. 25 MRSA §2804-C, sub-§2-C, as amended by PL 2013, c. 147, §30, is further amended to read:

2-C. Receipt of firearms; training; procedure; liability. The Maine Criminal Justice Academy shall provide training for municipal, county and state law enforcement officers regarding the proper handling, storage, safekeeping and return of firearms and firearm accessories received pursuant to a court order under Title 19-A, section ~~4006~~ 4108, subsection ~~2-A~~ 3 or Title 19-A, section ~~4007~~ 4110, subsection 1, ~~paragraph A-1~~ 4. Such training must include education concerning the prohibitions on the purchase or possession of a firearm when a protection order has been obtained and communication with parties to protection orders concerning such prohibitions.

In developing materials for training in domestic violence issues, the Maine Criminal Justice Academy may consult with a statewide organization involved in advocacy for victims of domestic violence and with an organization having statewide membership representing the interests of firearms owners.

A law enforcement officer who receives custody of a firearm pursuant to Title 19-A, section ~~4006~~ 4108, subsection ~~2-A~~ 3 or Title 19-A, section ~~4007~~ 4110, subsection ~~1, paragraph A-1~~ 4 shall exercise reasonable care to avoid loss, damage or reduction in value of the firearm and may not permanently mark the firearm or fire the firearm unless there is reasonable suspicion that the firearm has been used in the commission of a crime. Any liability for damage or reduction in value to such a firearm is governed by Title 14, chapter 741.

Sec. B-58. 25 MRSA §2806-A, sub-§5, ¶K, as amended by PL 2021, c. 255, §2, is further amended by amending subparagraph (1) to read:

(1) The officer was engaged in an investigation or purported investigation involving an allegation of abuse, as defined in former Title 19, section 762, subsection 1 ~~and~~, in Title 19-A, former section 4002, subsection 1 and in Title 19-A, section 4102, subsection 1;

Sec. B-59. 26 MRSA §850, sub-§1, as amended by PL 2001, c. 685, §1, is further amended by amending the first blocked paragraph to read:

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter ~~101~~ 103. An employer may not sanction an employee or deprive an employee of pay or benefits for exercising a right granted by this section.

Sec. B-60. 32 MRSA §8105, sub-§4, ¶A, as amended by PL 1995, c. 694, Pt. D, §56 and affected by Pt. E, §2, is further amended to read:

A. Records of incidents of abuse by the applicant of family or household members provided pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1;

Sec. B-61. 32 MRSA §9405, sub-§2-C, ¶A, as amended by PL 1995, c. 694, Pt. D, §57 and affected by Pt. E, §2, is further amended to read:

A. Information of record relative to incidents of abuse by the applicant of family or household members, provided pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1;

Sec. B-62. 32 MRSA §9405, sub-§4, ¶B, as amended by PL 1995, c. 694, Pt. D, §58 and affected by Pt. E, §2, is further amended to read:

B. The records compiled pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1;

Sec. B-63. 32 MRSA §9410-A, sub-§5, ¶B, as amended by PL 1995, c. 694, Pt. D, §59 and affected by Pt. E, §2, is further amended to read:

B. The records compiled pursuant to Title 19-A, section ~~4012~~ 4114, subsection 1;

Sec. B-64. 34-A MRSA §1206-A, sub-§1, ¶B, as amended by PL 2021, c. 174, §13, is further amended to read:

B. "Community intervention program" means a program operated at the community level providing services designed to intervene in the risk factors for reoffending, including, but not limited to, mental health, sex offender treatment, social service and substance use disorder treatment programs, but not including a domestic violence intervention program under Title 19-A, section ~~4014~~ 4116.

Sec. B-65. Effective date. This Act takes effect January 1, 2023.