



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 579

H.P. 422

House of Representatives, February 24, 2021

**Resolve, To Conduct an Independent Examination of the Protection
Order System To Determine whether There Is Systemic Misuse by
Applicants**

Received by the Clerk of the House on February 22, 2021. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HANLEY of Pittston.

1 **Sec. 1. Study. Resolved:** That the Maine Commission on Domestic and Sexual
2 Abuse, established in Title 5, section 12004-I, subsection 74-C and referred to in this
3 resolve as "the commission," shall study the protection from abuse order system to
4 determine whether there is a systemic misuse by applicants for protection orders. The
5 commission shall:

6 1. Review the laws and practices governing parental rights when domestic abuse is
7 alleged or suspected;

8 2. Study whether the system supports a fair and just process for all parties involved;
9 and

10 3. Study whether protection orders are being obtained for the reason the system intends
11 and whether de minimis violations of orders are being unfairly used against one party in the
12 matter.

13 **Sec. 2. Participation. Resolved:** That the commission shall invite interested
14 parties to participate in the study under section 1, including but not limited to the Family
15 Law Advisory Commission; the Maine Coalition to End Domestic Violence; guardians ad
16 litem; the family law section of the Maine State Bar Association; the judicial branch; the
17 Maine Association of Criminal Defense Lawyers; and any others the commission
18 determines helpful to the study.

19 **Sec. 3. Report; legislation. Resolved:** That the commission shall submit a report
20 to the Joint Standing Committee on Judiciary no later than December 1, 2021. The report
21 must summarize the activities of the commission, identify the participants in the study
22 under section 1 and include recommendations for action by the legal profession, the judicial
23 branch, advocates for victims of domestic violence, law enforcement and prosecutors. The
24 report may include recommendations for further data collection, research and analysis to
25 address the subjects that are included in the study. The report may include recommended
26 legislation. The Joint Standing Committee on Judiciary may report out legislation to the
27 Second Regular Session of the 130th Legislature based on the report.

28 SUMMARY

29 This resolve directs the Maine Commission on Domestic and Sexual Abuse to study
30 whether there is systemic misuse of protection from abuse orders by applicants and requires
31 the commission to invite a wide variety of interested parties in the judiciary, the legal
32 profession and public and private organizations involved in the issues of domestic abuse to
33 participate in the study. The resolve directs the commission to issue a report on the study
34 to the Joint Standing Committee on Judiciary by December 1, 2021, and the commission is
35 authorized to report out legislation based upon any recommendations made in the report.