



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1788

H.P. 1235

House of Representatives, January 16, 2018

**An Act To Enhance Safety for Victims of Sexual Assault and
Stalking and To Amend the Laws Governing Harassment and
Protection from Abuse**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Speaker GIDEON of Freeport.
Cosponsored by Senator ROSEN of Hancock and
Representatives: COREY of Windham, WARREN of Hallowell, Senator: DIAMOND of
Cumberland.

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

2 **Sec. 1. 5 MRSA §4651, sub-§2, ¶C**, as repealed and replaced by PL 2017, c.
3 288, Pt. A, §4, is amended to read:

4 C. A single act or course of conduct constituting a violation of section 4681; Title
5 17, section 2931; or Title 17-A, section 201, 202, 203, 204, 207, 208, 209, 210,
6 210-A, 211, 253, 254, 255-A, 256, 258, 259-A, 259-B, 260, 261, 282, 283, 301, 302,
7 303, 506, 506-A, 511, 511-A, 556, 802, 805, 806, 852 or 853.

8 **Sec. 2. 5 MRSA §4653, sub-§1, ¶B**, as enacted by PL 2011, c. 559, Pt. C, §3, is
9 amended to read:

10 B. If the alleged harassment does not meet the definition in section 4651, subsection
11 2, paragraph C or is not related to an allegation of domestic violence, violence against
12 a dating partner, sexual assault or, stalking or harassment as described in Title 17-A,
13 section 506, subsection 1, paragraph A, a copy of a notice to stop harassing the
14 plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection 1,
15 paragraph A, subparagraph (1), division (a) or a statement of good cause why such a
16 notice was not sought or obtained.

17 **Sec. 3. 14 MRSA §6001, sub-§6, ¶H**, as enacted by PL 2015, c. 293, §5, is
18 amended to read:

19 H. When a victim asserts any of the provisions contained within this chapter
20 specifically available to a victim, except for changing locks according to section
21 6025, subsection 1, a victim shall provide to the landlord documentation of the
22 alleged conduct by the perpetrator, including the perpetrator's name. Acceptable
23 documentation includes, but is not limited to:

24 (1) A statement signed by a Maine-based sexual assault counselor as defined in
25 Title 16, section 53-A, subsection 1, paragraph B, an advocate as defined in Title
26 16, section 53-B, subsection 1, paragraph A or a victim witness advocate as
27 defined in Title 16, section 53-C, subsection 1, paragraph C;

28 (2) A statement signed by a health care provider, mental health care provider or
29 law enforcement officer, including the license number of the health care provider,
30 mental health care provider or law enforcement officer if licensed;

31 (3) A copy of a protection from abuse complaint or a temporary order or final
32 order of protection;

33 (4) A copy of a protection from harassment complaint or a temporary order or
34 final order of protection from harassment;

35 (5) A copy of a police report prepared in response to an investigation of an
36 incident of domestic violence, sexual assault or stalking; and

37 (6) A copy of a criminal complaint, indictment or conviction for a domestic
38 violence, sexual assault or stalking charge.

1 to the list of types of cases in which a plaintiff is not required to file a copy of a notice to
2 stop harassing the plaintiff issued to the defendant in order to commence a protection
3 from harassment proceeding.

4 The bill provides that a person is guilty of harassment by telephone or by electronic
5 communication device if by means of telephone or electronic communication device the
6 person sends an image or video of a sexual act, of sexual contact or of the actor's or
7 another person's genitals without the consent of the person called or contacted.

8 The bill adds violations that may form the basis of the issuance of a protection from
9 abuse order to protect a minor.

10 The bill amends the law governing remedies available to tenants who are victims of
11 domestic violence, sexual assault or stalking by expanding the forms of acceptable
12 documentation that may be provided to landlords to include copies of police reports
13 prepared in response to investigations of sexual assault or stalking and copies of criminal
14 complaints, indictments or convictions for charges of sexual assault or stalking.