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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1336, L.D. 1865, Bill, “An Act To Amend the Protection from Abuse Laws Concerning Consent Agreements”

Amend the bill in section 1 in subsection 1 by striking out all of the first paragraph (page 1, lines 4 to 13 in L.D.) and inserting the following:

'1. Protection order; consent agreement. The court, after a hearing and upon finding that the defendant has committed the alleged abuse as defined in section 4002, subsection 1 or engaged in the alleged conduct described in section 4005, subsection 1, may grant a protective order or, ~~upon making that finding, approve a consent agreement to bring about a cessation of abuse or the alleged conduct. This subsection does not preclude the parties from voluntarily requesting a consent agreement without a finding of abuse. Alternatively, when the parties voluntarily request a consent agreement, the court may grant a protective order with or without a finding that the defendant committed abuse as defined in section 4002, subsection 1 or with or without a finding that the defendant engaged in conduct described in section 4005, subsection 1.~~ 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 plaintiff's household. The court may enter a finding of economic abuse. Relief granted under this section may include:'

SUMMARY

This amendment clarifies that a court may grant a protection from abuse order without holding a hearing if the parties have voluntarily requested a consent agreement. The court may enter the protective order based on the consent agreement with or without a finding that the defendant engaged in abuse. If the protection from abuse order is granted to stop alleged conduct described in the Maine Revised Statutes, Title 19-A, section 4005, subsection 1, it may be granted with or without a finding that the alleged conduct occurred. Current law is silent on the issue of a protection from abuse order when the parties request a consent agreement based on alleged conduct, as opposed to abuse.

COMMITTEE AMENDMENT