

§321. Protective orders in crimes between family members

1. Definition. For purposes of this section, "family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living as spouses, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of any household member when the offender is an adult household member. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" has the same meaning as in Title 18-C, section 1-201, subsection 14.

[PL 2017, c. 402, Pt. C, §31 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Grounds for order. The court may issue a protective order if:

A. A person is charged with or convicted of a violation of Title 17-A, sections 201 to 204, 207 to 211, 252, 253, 301 to 303, 506-A or 556; [PL 1983, c. 619 (NEW).]

B. The offender and the victim are family or household members; and [PL 1983, c. 619 (NEW).]

C. The court finds that there is a likelihood that the offender may injure the health or safety of the victim in the future. [PL 1983, c. 619 (NEW).]

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3. Scope of order. A protective order may be a condition of release. It may require the offender:

A. To stay away from the home, school, business or place of employment of the victim; [PL 1983, c. 619 (NEW).]

B. Not to visit, or to visit only at certain times or under certain conditions, a child residing with the victim; or [PL 1983, c. 619 (NEW).]

C. Not to do specific acts which the court finds may harass, torment or threaten the victim. [PL 1983, c. 619 (NEW).]

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4. Issuance of order. The clerk may issue, without fee, a copy of a protective order, amendment or revocation to the offender, the victim and to the law enforcement agencies most likely to enforce it as determined by the court.

[PL 1989, c. 372, §1 (AMD).]

5. Appeal. A court decision may be appealed as provided by the Maine Rules of Civil Procedure. [PL 1983, c. 619 (NEW).]

6. Penalty. Violation of a protective order or of any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe, when the person has prior actual notice of the order, is a Class D crime. Notwithstanding any statutory provision to the contrary, an arrest for violation of a protective order may be without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.

[PL 1995, c. 469, §2 (AMD).]

SECTION HISTORY

PL 1983, c. 619 (NEW). PL 1989, c. 372, §1 (AMD). PL 1995, c. 469, §§1,2 (AMD). PL 2003, c. 672, §1 (AMD). PL 2017, c. 402, Pt. C, §31 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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