

Date:

(Filing No. H- )

# JUDICIARY

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## STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 516, L.D. 809, “An Act to Allow a Motion to Extend a Protection from Abuse Order After Expiration of the Original Order”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 19-A MRSA §4110, sub-§5, ¶A,** as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:

A. A final protection order issued under this chapter must be for a fixed period not to exceed 2 years, unless extended or reinstated by the court pursuant to section 4111.

**Sec. 2. 19-A MRSA §4111, sub-§1-A** is enacted to read:

**1-A. Extension after expiration.** The court may reinstate and extend a final protection order issued under this chapter after expiration, upon motion of the plaintiff, only if the court finds:

A. That the plaintiff has shown good cause for filing the motion to extend a final protection order after expiration of the order, which may include that the filing was not timely due to a dismissal of a prior motion to extend because of an inability to serve the defendant; and

B. That the filing under this subsection was made within a reasonable amount of time based upon the underlying circumstances.

If the court makes findings for the plaintiff under paragraphs A and B, the court may reinstate the final protection order that has expired until a hearing under section 4109, subsection 1 on the motion to extend and shall apply the standard in subsection 1 to determine whether an extension of the final protection order is necessary to protect the plaintiff or minor child from abuse or conduct specified in section 4103.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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**SUMMARY**

This amendment clarifies that the court has discretion to decide whether a plaintiff has demonstrated good cause for filing a motion to extend a final protection from abuse order after the order has expired. It also authorizes the court, in its discretion, to reinstate the expired order pending a hearing on the motion to extend the order.

**FISCAL NOTE REQUIRED**

**(See attached)**