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March 30, 2025

Re: LD 1129, An Act to Clarify Standards for Defendants' Post-judgment Motions from Protection from Abuse Orders

To: Senator Carney, Representative Kuhn, and members of the Judiciary Committee

The Maine Chapter of the Freedom From Religion Foundation writes in SUPPORT of LD 1129, An Act to Clarify Standards for Defendants' Post-judgment Motions from Protection from Abuse Orders.

Protection from Abuse (PFA) orders provide immediate protection and help to create a sense of security for those who are at risk. However, the process for modifying or removing such orders is just as important, ensuring that both the protection of the victim and the due process rights of the defendant are upheld. Clarifying these standards is a necessary step in ensuring fairness, transparency, and justice within the legal system, while still maintaining the protection of victims. By providing clearer guidelines, we can ensure that defendants are afforded their legal rights to challenge these orders while simultaneously preventing abuse of the legal process. It is essential that the process be transparent, predictable, and fair for all parties involved. If a defendant is unjustly subjected to a PFA order, having a clear and fair pathway for seeking relief will allow for proper legal recourse, which is a cornerstone of justice in any democratic society. While it is essential to protect victims, it is equally important to ensure that the defendant has a fair process for seeking relief from such an order if they believe it is unjust or no longer necessary.

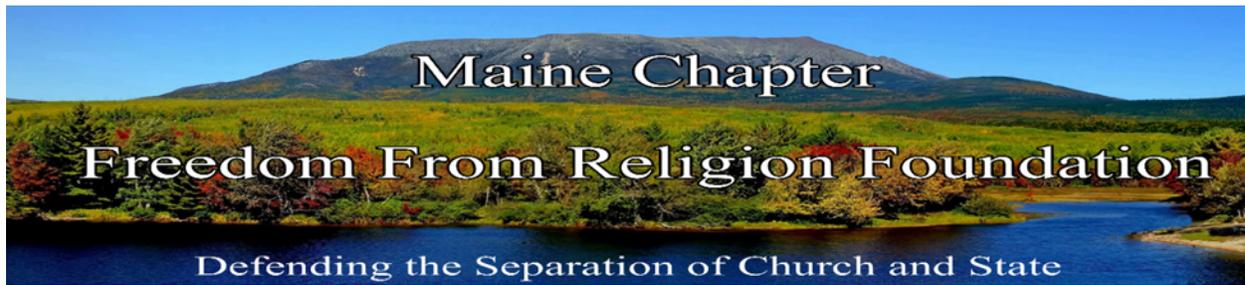
Clear guidelines will ensure that requests for relief are handled with due diligence, taking into account the specifics of each case, including whether the situation has changed in a way that justifies lifting or modifying the PFA. These clarifications will help avoid any unintended harm to the defendant while still protecting the victim, ensuring that no one is subjected to a PFA order longer than necessary.

Without clear standards, defendants could file motions for relief in bad faith or as a tactic to continue to harass or intimidate the victim. If the standards for filing these motions are too broad or ambiguous, it could lead to an abuse of the process, resulting in unnecessary legal proceedings that delay or hinder the victim's safety. By providing specific criteria for post-judgment motions, the court system can ensure that defendants who seek relief from a PFA order are doing so for legitimate reasons. These clarifications would also help to prevent the misuse of legal channels, ensuring that defendants are only able to file motions when they can demonstrate a significant and

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legitimate change in circumstances, and not as part of an ongoing campaign of intimidation or harassment.

If the standards for post-judgment motions are not clearly defined, different judges may interpret the law in inconsistent ways. This could result in similar cases being treated differently based on subjective interpretations, leading to outcomes that may not be fair or equitable.

Clarifying the standards for defendants' post-judgment motions for relief will promote uniformity in how such motions are handled across the state. When standards are clear, defendants will have a better understanding of the criteria they must meet to seek relief, and victims will know what to expect in terms of how long they will be protected by the PFA order. This predictability is critical for ensuring that the law is applied equally to all individuals.

A well-defined process can also help victims feel more confident that the legal system will act in a way that prioritizes their safety and ensures that the PFA order remains in place as needed.

In some cases, courts may be able to promote alternative dispute resolution methods, such as mediation or counseling, as part of the process. These methods can help address the underlying issues in a way that is safe for the victim, but also offers the defendant a chance to resolve conflicts without further escalating the situation. Such alternative methods can benefit both parties by fostering communication and providing the defendant with an opportunity to demonstrate genuine change. Clear standards can offer a fair and constructive way to address conflicts.

For these reasons, MC-FFRF urges the committee to vote "OUGHT TO PASS". Thank you for your time and consideration.

-Ray Vensel, President