



Joseph E. Rafferty
Senator, District 34

THE MAINE SENATE
131st Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Joe Rafferty introducing
***LD 2103, An Act to Protect Victims of Domestic Abuse and Violence by
Amending the Law Regarding Proximity Restrictions in Final Protection from
Abuse Orders***

Senator Carney, Representative Moonen, and distinguished members of the Joint Standing Judiciary Committee. My name is Joe Rafferty and I proudly represent the people of Senate District 34 including Berwick, North Berwick, Wells, Kennebunk and Kennebunkport.

I am here today to present LD 2103, An Act to Protect Victims of Domestic Abuse and Violence by Amending the Law Regarding Proximity Restrictions in Final Protection from Abuse Orders.

Maine's Protection from Abuse statute is an important tool to keep survivors of domestic violence, sexual assault, and stalking safe. A Protection from Abuse order is a civil order that allows a person who has experienced violence to ask the court for specific protections. An order can only be granted if the Defendant does not show up to contest it, agrees to the order, or a judge determines that certain conduct (such as abuse or assault) has occurred and the order is necessary to protect the plaintiff.

Certainly, Protection for Abuse orders offer a variety of types of relief, including stay away orders. A Defendant can be ordered not to come to a Plaintiff's home or to "refrain from repeatedly and without reasonable cause be at or in the vicinity of the Plaintiff's home, school, business or place of employment". Although the current provisions are all important, Maine can and should allow more specific stay away orders.

This bill was brought to me by a local attorney who noticed some gaps in being able to get full relief for clients he represented that experienced stalking.



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Based on his experiences, he asked me to submit a bill to allow the court to order more specific relief in the Protection from Abuse statute.

One provision he requested is to allow a court to order that the Defendant must stay a certain distance from the Plaintiff. This is in other states and would provide needed clarity in Maine statute. For example, where parties lived in the same town but had no need to be near each other, the judge might order the Defendant to stay 50 feet away from the Plaintiff.

Another provision which would help orders be clearer and more specific and which I have provided in a committee amendment, would be to allow the court to order a Defendant to not be present at certain locations. For example, if the Plaintiff works at a convenience store, the current statute would only allow the court to prohibit the Defendant from going there "repeatedly" and "without reasonable cause". This could make it challenging for the law enforcement to know what to do if the Defendant is going to that convenience store every day. Is that without reasonable cause? The amendment would allow the court to make the order clearer and simply order that the Defendant cannot go to that convenience store.

Testifying after me, are two attorneys from the Maine Coalition to End Domestic Violence and the Maine Coalition Against Sexual Assault who practiced extensively in this area and can answer any technical questions you may have.

I urge you to vote "Ought to Pass" on this bill. It allows the courts to make specific orders that both Plaintiffs and Defendants can better understand. It will also better protect survivors of violence.

Thank you.

01/15/2024

Proposed Committee Amendment to LD 2103, An Act to Protect Victims of Domestic Abuse and Violence by Amending the Law Regarding Proximity Restrictions in Final Protection from Abuse Orders

Amend the bill in Sec. 1, page 1, line 4 (19-A MRSA §4110, sub-§3, ¶E-1), by adding after “distance of the plaintiff” the following:

‘or prohibiting the defendant from being present at a specific location’

or

Sec. 1. 19-A MRSA §4110, sub-§3, ¶E-1 is amended to read:

E-1. Directing the defendant to refrain from knowingly being within a specified distance of the plaintiff or prohibiting the defendant from being present at a specific location;

SUMMARY

This amendment expands the law governing protection from abuse orders to give the court the authority to issue a final protection order directing the defendant from being present at a specific location, as well as from refraining from knowingly being within a specified distance of the plaintiff, as provided in the bill.