



Testimony of Lucia Chomeau Hunt, Esq.  
Pine Tree Legal Assistance, Inc.

**Speaking in Support of 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**  
Date of Public Hearing: January 24, 2024

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary, my name is Lucia Chomeau Hunt. I am the directing attorney of Family Law and Victim Rights at Pine Tree Legal Assistance, Inc., and I am speaking to you today in support of 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**.

I have been asked to share the perspective of Pine Tree Legal Assistance on these issues and I am speaking today on behalf of Pine Tree Legal Assistance (Pine Tree). Pine Tree is a nonprofit organization with offices in Portland, Lewiston, Augusta, Bangor, Machias, and Presque Isle. Since 1967, Pine Tree Legal Assistance has provided free legal services to low-income people throughout the State of Maine.

Attorneys in Pine Tree's statewide Family Law and Victim Rights unit represent survivors of domestic violence, sexual assault, and stalking. In 2023, we handled **1,369 civil legal cases for survivors**, including many protection from abuse and protection from harassment cases in all of the district courts across the state.

This bill adds a specific form of relief to the Protection from Abuse statute, namely, a restrictions on the distance that a defendant may knowingly be from the plaintiff. The proposed amendment would further include restricting defendants from being at specific locations.

Although the allowable relief in the Protection from Abuse statute currently includes a "catch-all" provision, the proposed changes would allow final Protection from Abuse orders to be more carefully tailored to address the needs of survivors.

In practice, attorneys at Pine Tree can sometimes successfully advocate for a distance provision, or a restriction on a certain location (or even a region). I once successfully advocated that a former co-worker who stalked my client on her postal route be prohibited from an entire neighborhood in Portland. We had another order that prohibited someone from driving along a certain street. We sometimes draw maps to attach to orders, or write in addresses where the

defendant is prohibited from going- for example, the address of family members where our clients don't live, but frequently visit, or other locations such as where they work.

However, many plaintiffs are not represented by attorneys, or do not know that they can ask a court to grant relief that is not specifically outlined in the statute or PFA court forms. A judge handling a busy docket may not have enough information about the case, or might not think to include this type of relief because it is not specifically enumerated within the statute.

Even with Pine Tree's best advocacy in PFA cases, it is sometimes difficult to convince a judge that a distance provision is appropriate. I've experienced judges questioning proposed distance requirements in PFAs, particularly as many litigants live in the same small communities, citing concerns about defendants accidentally bumping into plaintiffs in a local store, for example. The proposed language of the bill addresses that concern by adding the word "knowingly."

This bill is a practical proposal that will make relief in Protection from Abuse cases more individually tailored to the unique needs of the survivor. A judicial officer will have discretion to order a distance requirement if it is necessary in the specific situation, for example when the parties work at the same employer, live in the same apartment complex, or go to school together and anticipate continuing to be in proximity to each other for those reasons.

**Providing clear, specific prohibitions on conduct helps protect survivors, clarifies what conduct is prohibited for defendants, and helps law enforcement officers enforce protection orders and hold perpetrators accountable.** For these reasons Pine Tree Legal supports the changes proposed to the relief allowed in the Protection from Abuse statute in this bill.

Thank you to Senator Rafferty and his co-sponsors, and to this committee, for considering this proposal to enhance the relief available in Protection from Abuse orders.