



**LEGAL SERVICES  
FOR MAINE ELDERS**

**LD 586 – An Act to Provide a Court Authority to Issue Proximity Restrictions  
in Protection from Abuse Orders**

**Testimony of John Brautigam, Esq. for Legal Services for Maine Elders  
Joint Standing Committee on Judiciary**

**March 3, 2025**

Good morning, Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary.

My name is John Brautigam, and I am here today on behalf of Legal Services for Maine Elders. LSE provides free legal help for Mainers aged 60 and older when their basic human needs are at stake.

Among our clients we have several Mainers who have been victims of abuse and who have obtained protection from abuse orders. These orders are essential for preserving some degree of normalcy in the life of people who have been subjected to trauma and may be living in substantial fear for their own well being and that of their family members.

We support LD 586. This amendment to the PFA statute will help ensure that individuals facing credible threats of violence receive the full protection they need, not only at home but also throughout their daily lives.

As the law stands now, a PFA order typically prevents a person who has threatened or harmed another from coming near the victim's home or place of residence. While this provision provides crucial protection, it does not account for the fact that individuals do not spend their entire lives at home. People must go to work, take their children to school, attend medical appointments, and run necessary errands. Yet, under current law, the person who has made violent threats can legally be in the same grocery store, workplace, or public park as the victim, creating an ongoing risk of harm, intimidation, and psychological distress.

Anyone seriously victimized in an abusive relationship has the right to initiate an action in court to seek a PFA order. This is a legal proceeding, and in an ideal world, each of these people would have the assistance of a qualified attorney. These victims are often under significant distress and may have no familiarity with legal processes. Unfortunately, many must proceed alone. In these

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cases, the court and the person seeking protection would benefit from considering the need for a proximity restriction. And that is more likely if this tool is spelled out right in the statute.

Although current law does allow a court to order a proximity restriction, enumerating this option directly in the statute would increase access to this protection, and strengthen the law.

Many of LSE's past clients would have benefitted from LD 586. In one case we had a client who lived in elder housing and had been raped by a defendant who lived in the vicinity. The PFA order did not adequately protect the client when accessing the laundry room and other common spaces where incidental contact could happen.

In another case our attorneys found that the police did not want to enforce a protection order against a man who would stand at a certain location near her property because they said it was a public spot and the PFA did not restrict his presence there. The line between impermissible stalking and innocent incidental contact is sometimes a blurry one. Again, a proximity restriction might strengthen the case for protection.

Also, places like dumps or post offices can be used to further harass victims because most typical PFA's do not extend to spaces away from the home or workplace. A proximity restriction of a certain number of feet would help.

The benefits of a proximity restriction can be summarized as follows:

1. **Enhanced Safety** – Victims of abuse and threats would no longer be forced to live in fear every time they step outside their homes. A proximity restriction would prevent abusers from using public spaces as loopholes to continue their harassment and intimidation.
2. **Better Enforcement** – Law enforcement officers would have a clearer standard to intervene when a restrained individual is found too close to a protected person. Rather than waiting for another incident of direct harassment or violence, authorities could take preventive action based on the proximity violation alone.
3. **Deterrence of Further Abuse** – A well-defined proximity restriction sends a strong message that protective orders are serious and that violating them will have consequences. This can serve as a deterrent to abusers who might otherwise attempt to continue their harmful behavior under the guise of coincidental encounters.

Opponents may argue that such a restriction could be difficult to enforce or unfairly limit the movements of the restrained person. But the safety and well-being of victims of abuse must take precedence over any inconvenience to individuals who have already demonstrated a pattern of threatening behavior.

Adding the express power to impose a proximity restriction is a simple but effective step in ensuring that individuals who have been threatened are fully protected—not just in their homes, but wherever they may be.

Thank you for your time and consideration. I am happy to answer any questions you may have.