



Joseph E. Rafferty
Senator, District 34

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Joe Rafferty Presenting

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

Senator Carney, Representative Kuhn, 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 586, An Act to Provide a Court Authority to Issue Proximity Restrictions in Protection from Abuse Orders. Simply put, this legislation would allow the Court Authority some freedom to set a distance that protects victims from the defendant. It is my intent to provide the right balance for judicial officers to be able to exercise an appropriate level of discretion to meet the particular needs of the case in front of them.

This legislation may sound familiar to those of you returning to this committee from the 131st. At that time, the bill passed with unanimous support but never became law because that session ended abruptly with numerous pieces of legislation hanging.

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 school, business or place of employment". Although the current provisions are all important, Maine can and should allow more specific stay away orders.

Hopefully, you will hear from others that speak after me who possess more technical knowledge than I in this area.

Thank you for your time and consideration related to this bill. I urge you to vote "ought to pass" when the opportunity arrives. It allows the courts to make specific orders that both the Plaintiffs and Defendants can better understand while better protecting survivors of violence.

Joe Rafferty