

MAINE CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Maine, there are 2 types of civil protection orders:

- Protection from Abuse Orders** are available for individuals seeking protection from a family member, dating partner, or household member. Additionally, a survivor of sexual assault, stalking, sex trafficking, or non-consensual sexual image sharing can also seek protection using this order (ME REV STAT tit. 19-A, §§4101 - 4116).
- Protection from Harassment Orders** are available for individuals seeking protection from any individual who engaged in harassment, which includes the commission of certain crimes (ME REV STAT tit. 5, §§4651 - 4661).



PROTECTION FROM ABUSE ORDER

<p>Who can apply?</p>	<p>Any person who has been abused can file a PFA against a family member, dating partner, or member of the household who perpetrated that abuse.</p> <p>In addition, any person who is a victim of stalking, sexual assault, sex trafficking, or the non-consensual sharing of private images can file a PFA against any perpetrator of that crime.</p> <p><i>ME REV STAT tit. 19-A, §4103(1).</i></p> <p>And adults who are 60 or older, incapacitated, or otherwise dependent, can also file PFAs against extended family members or unpaid care providers who abuse them.</p> <p><i>ME REV STAT tit. 19-A, §4103(3).</i></p> <p>Abuse is defined as:</p> <ul style="list-style-type: none"> • Causing, attempting to cause, or putting someone in fear of bodily injury, including sexual assault; • Using force, fraud, or coercion to force someone to engage in or abstain from conduct; • Substantially restricting someone’s movements (i.e. kidnapping or confinement); • Harassment; • Believable threats to an individual’s life or safety; • Sharing private images without consent; or • Sex trafficking. <p><i>ME REV STAT tit. 19-A, §4102(1).</i></p>
<p>Can minors apply?</p>	<p>No, an adult guardian, conservator, or representative of the Maine Department of Health and Human Services will have to file the action on the minor’s behalf.</p> <p><i>ME REV STAT tit. 19-A, §4103(2).</i></p>

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PROTECTION FROM ABUSE ORDER

<p>Can minors apply?</p>	<p>And minors qualify for additional protection. Minors can file a PFA against anyone who sexually exploits them, shares sexually explicit material of them, or harasses them on a telephone or other electric communication device. <i>ME REV STAT tit. 19-A, §4103(2)(B).</i></p>
<p>Who can be restrained?</p>	<p>For PFAs premised on abuse, the defendant must be a family or household member, other relative, either by blood or marriage, or dating partner, either former or current. Additionally, the defendant can be an extended family member or unpaid caregiver for seniors or incapacitated adults.</p> <p>For PFAs premised on stalking or the other identified crimes, the defendant can be anyone who perpetrates that crime. <i>ME REV STAT tit. 19-A, §4103(1)-(3).</i></p> <p>Family or household member is defined as:</p> <ul style="list-style-type: none"> • Current or former spouses or domestic partners, or individuals living together as such; • Parents of the same child; • Adult household members related by blood or affinity; • Minor children of a person with whom the defendant shares a household; • Individuals who currently or formerly live together; • Individuals who are or were sexual partners. <p><i>ME REV STAT tit. 19-A, §4102(6).</i></p> <p>Dating partners are defined as: individuals currently or formerly dating each other, regardless of whether they were sexual partners. <i>ME REV STAT tit. 19-A, §4102(4).</i></p>



PROTECTION FROM ABUSE ORDER

<p>What types of relief may a court order?</p>	<p>The court can include the following provisions in the order:</p> <ul style="list-style-type: none"> • No threatening, assaulting, molesting, harassing, attacking, or otherwise abusing plaintiff or minor children residing with plaintiff; • No possession of dangerous weapons, including firearms and bows; • No following, stalking, or otherwise being in the immediate vicinity of plaintiff; • No contacting plaintiff, either direct or indirect, including via social media; • Excluding defendant from plaintiff’s home; and • Ordering defendant to pay temporary support to dependents. <p><i>ME REV STAT tit. 19-A, §4110(3).</i></p> <p>If necessary to protect plaintiff or minor children from abuse, the court can order immediate relief, called temporary orders, which will remain in effect until the court holds its final hearing on plaintiff's PFA. The plaintiff will request this immediate relief in the PFA, and the court, without the defendant's presence, will consider that request in a hearing, to be held as soon as possible following plaintiff’s filing of the PFA. During that hearing, plaintiff will need to demonstrate that plaintiff is entitled to immediate relief.</p> <p><i>ME REV STAT tit. 19-A, §4108.</i></p>
<p>How long does the order last?</p>	<p>Must be issued for a fixed period, not to exceed 2 years.</p> <p><i>ME REV STAT tit. 19-A, §4110(5).</i></p>
<p>Can the order be renewed?</p>	<p>Yes, it’s possible to extend a PFA order more than once and for such additional time as the Court considers necessary.</p> <p><i>ME REV STAT tit. 19-A, §4111(1).</i></p>



PROTECTION FROM ABUSE ORDER

Is a hearing with the respondent required?

Yes, a hearing must be held within 21 days of the filing of the PFA, during which plaintiff will be required to offer proof of the defendant's abuse or crime.
ME REV STAT tit. 19-A, §4111(1).



PROTECTION FROM HARASSMENT ORDER

<p>Who can apply?</p>	<p>Any person or business who is a victim of harassment by the defendant. <i>ME REV STAT tit. 5, §4653(1).</i></p> <p>Harassment is defined as:</p> <ul style="list-style-type: none"> • Three or more acts of intimidation, confrontation, threat, or physical force toward a person, family, or business, intended to cause fear intimidation or distress and do so; or • A single act or course of conduct that violates certain criminal codes (including, but not limited to, murder, assault, stalking, sexual assault, sex trafficking, harassment, etc.). <p><i>ME REV STAT tit. 5, §4651(2).</i></p>
<p>Can minors apply?</p>	<p>No, an adult guardian, conservator, or representative of the Maine Department of Health and Human Services will have to file the action on the minor’s behalf. <i>ME REV STAT tit. 5, §4652.</i></p>
<p>Who can be restrained?</p>	<p>An adult or, if represented by an adult guardian, conservator, or representative of the Maine Department of Health and Human Services, a minor. <i>ME REV STAT tit. 5, §4652.</i></p> <p>Only individuals can be defendants; no businesses or other entities can be defendants. But, unlike a PFA order, there is no requirement that the defendant be a family or household member.</p>



PROTECTION FROM HARASSMENT ORDER

<p>What types of relief may a court order?</p>	<p>The court can include the following provisions in the order:</p> <ul style="list-style-type: none"> • No harassing, threatening, assaulting, molesting, attacking, or otherwise abusing the plaintiff or the plaintiff’s employees; • No following, stalking or otherwise being in the immediate vicinity of plaintiff; • No contacting plaintiff, either directly or indirectly; • Excluding defendant from plaintiff’s premises; • Ordering defendant to pay monetary compensation for losses arising from the harassment; and • Ordering defendant to destroy or return private images and prohibiting defendant from sharing those images. <p><i>ME REV STAT tit. 5, §4655(1).</i></p> <p>If plaintiff's PFH or an affidavit accompanying that PFH demonstrates to the court that plaintiff or plaintiff's employees are in immediate danger of physical or emotional abuse from defendant's conduct, the court can enter immediate relief, called temporary orders, which will remain in effect until the court holds a hearing on the PFH. The plaintiff requests such immediate relief by completing a section (Motion for Temporary Order) in the PFH form.</p> <p><i>ME REV STAT tit. 5, §4654.</i></p>
<p>How long does the order last?</p>	<p>Must be issued for a fixed period, not to exceed 1 year.</p> <p><i>ME REV STAT tit. 5, §4655(2).</i></p>
<p>Can the order be renewed?</p>	<p>Yes, the plaintiff must first request that the order be extended by filing a motion with the court. The court can then extend the order for such additional time as it deems necessary to protect plaintiff from harassment.</p> <p><i>ME REV STAT tit. 5, §4655(2).</i></p>



PROTECTION FROM HARASSMENT ORDER

Is a hearing with the respondent required?

Yes, a hearing must be held during which plaintiff will be required to offer proof of the defendant's harassment. The hearing is conducted at the earliest available date after service of the PFH on defendant.
ME REV STAT tit. 5, §4654(1).

HOW TO APPLY

Forms are available at the courthouse and online at: <http://www.courts.maine.gov/forms/index.html>

The plaintiff can apply for relief by filling out the form entitled “Complaint for Protection from Abuse” (PA-001) and, after signing the form in front of a witness (a notary, attorney, or court clerk), filing it in the district court where plaintiff lives or where defendant lives.

ME REV STAT tit. 19-A, §4104.

The form must include enough information to show that plaintiff is entitled to relief, so plaintiff should fill it out completely, providing as much detail of the alleged abuse as possible.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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