

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
SECOND SPECIAL SESSION
SENATE ADVANCED JOURNAL AND CALENDAR**

Monday, July 9, 2018

SUPPLEMENT NO. 6

COMMUNICATIONS

(2-1) The Following Communication:

H.C. 566

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

July 2, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1788, "An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse."

This bill purports to enhance safety by expanding the conduct allowing issuance of a protection from abuse order (a "PFA"). Unfortunately, history shows that PFAs do not protect people from abuse. Forty years ago, Maine was one of the first states to enact a protection from abuse law. Today, Maine's rate of domestic violence homicide remains high and violations of PFAs are rampant.

The following are just a few of the worst examples from the past few years. In 2017, a man was stabbed to death in front of his children, aged 7 and 11. The woman charged with his murder, his ex-wife, was subject to a PFA. In 2016, a man who was subject to a PFA went to his ex-partner's home with a gun. Not finding his target home, he shot two others before being shot and killed by police. In 2013, a woman and her infant child were kidnapped, shot multiple times and nearly died. The perpetrator was subject to a PFA. In 2011, a woman and her two children, aged 13 and 12, were shot to death. The murderer was subject to a PFA.

PFAs only deter people with some modicum of rationality. They fail to protect against, and in some cases may provoke, precisely those emotionally unstable people who are prone to violence. Rather than providing a false sense of security with a piece of paper, harassment and abuse should be criminally prosecuted to the fullest extent of the law. If a perpetrator is truly dangerous, pre-trial detention offers more security to a victim than does a protection order.

Additionally, the imposition of a PFA may have severe ramifications for the person subject to the order, including potential job loss and curtailment of other rights. The Criminal Law Advisory Committee warned in its testimony about the bill's potential to result in the imposition of unwarranted orders. This consideration should be weighed when expanding the conduct giving rise to a PFA.

For these reasons, I return LD 1788 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-2) The accompanying Bill "An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse"

H.P. 1235 L.D. 1788

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.
