

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 918

H.P. 637

House of Representatives, February 22, 2005

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**An Act To Provide for the Payment of Attorney's Fees in a Parental  
Rights and Responsibilities Action**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TARDY of Newport.  
Cosponsored by Senator HOBBS of York and  
Representatives: BIERMAN of Sorrento, BOWLES of Sanford, BRYANT-DESCHENES of  
Turner, CARR of Lincoln, NASS of Acton, PELLETIER-SIMPSON of Auburn, Speaker  
RICHARDSON of Brunswick, SHERMAN of Hodgdon.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 19-A MRSA §1553**, as amended by PL 1997, c. 537, §16  
and affected by §62, is further amended by adding after the first  
6 paragraph a new paragraph to read:

8 Pending a paternity action, the court may order the alleged  
father to pay to the plaintiff, or to the attorney for the  
plaintiff, sufficient money for the prosecution of the action.

10 **Sec. 2. 19-A MRSA §1654**, as amended by PL 1999, c. 731, Pt.  
12 ZZZ, §34 and affected by §42, is repealed and the following  
enacted in its place:

14 **§1654. Parenting and support when parents live apart**

16 **1. Jurisdiction.** If the father and mother of a minor child  
18 are living apart, the Probate Court or District Court in the  
county or division where either resides, upon complaint of either  
20 and after notice to the other as the court may order, may make an  
order awarding parental rights and responsibilities with respect  
22 to the child in accordance with this chapter. The jurisdiction  
granted by this section is limited by the Uniform Child Custody  
24 Jurisdiction and Enforcement Act, if another state may have  
jurisdiction as provided in that Act.

26 **2. Attorney's fees.** Pending an action under this section,  
28 a court may order either party to pay to the other party, or to  
the attorney for the other party, sufficient money for the  
30 defense or prosecution of the action. When entering a final  
order, the court may order either party to pay reasonable  
32 attorney's fees.

34 **SUMMARY**

36 This bill authorizes the court to order either party to pay  
38 attorney's fees in an action to determine parental rights and  
responsibilities.