

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
132ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 43, L.D. 122, "An Act to Update Certain Laws Regarding Extended Care and Adoption"

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 22 MRSA §4037-A, sub-§3, as enacted by PL 2011, c. 402, §5, is repealed and the following enacted in its place:

3. Mandated review. For each person who qualifies for extended care and support under this section and who is 18, 19 or 20 years of age, the District Court shall hold a judicial review hearing at least once every 12 months.'

Amend the bill by inserting after section 3 the following:

'Sec. 4. 22 MRSA §4037-A, sub-§3-A is enacted to read:

3-A. Review on motion. The department, the court or the person who qualifies for extended care and support under this section may move for judicial review.

Sec. 5. 22 MRSA §4037-A, sub-§6 is enacted to read:

6. Judicial review hearing. At a judicial review hearing conducted under subsection 3 or in response to a motion under subsection 3-A, the court shall hear evidence and shall consider the original reason for the extended care and support of the person and the agreement of extended care and support between the department and the person. The court shall, after hearing or by agreement, make written findings, based on a preponderance of the evidence, that determine:

A. The safety of the person in the person's placement;

B. The services needed to transition the person from extended care and support to independent living; and

C. The compliance of the parties to the agreement of extended care and support.

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1 In a judicial review order, the court may order either the department or the person or both
2 to comply with the agreement of extended care and support but may not order the
3 department to pay for a specific placement.'

4 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
5 number to read consecutively.

6 **SUMMARY**

7 This amendment, which is the majority report of the committee, clarifies that if a person
8 who is 18, 19, 20, 21 or 22 years of age is part of the extended care program, the person,
9 the Department of Health and Human Services or the court may, regardless of whether an
10 annual judicial review is required, file a motion requesting a judicial review.