

# MAINE STATE LEGISLATURE

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L.D. 1657

(Filing No. S-163)

STATE OF MAINE  
SENATE  
111TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1243, L.D. 1657,  
Bill, "AN ACT to Provide that Joint Custody be  
Awarded when the Parents Agree to it in Child Custody  
Cases."

Amend the Bill by striking out all of the title  
and inserting in its place the following: 'AN ACT  
Relating to Joint Custody.'

Further amend the Bill by inserting before the  
enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legis-  
lature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

Whereas, the custody of children in domestic  
relations cases is an issue of fundamental importance  
to the people of the State; and

Whereas, the issue of child custody has been or  
is being examined by a number of states; and

Whereas, certain states have enacted laws dealing  
with the matter of joint custody in domestic rela-  
tions cases; and

Whereas, 4 states have enacted legislation which  
creates a presumption favoring joint custody absent  
consent of the parents; and

Whereas, in the judgment of the Legislature the  
issue of the custody of children in domestic rela-  
tions cases needs to be studied in depth in order to  
determine whether current Maine law in this area  
should be amended and, if so, in what ways the law  
should be amended; and

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1           Whereas, in the judgment of the Legislature,  
2           these facts create an emergency within the meaning of  
3           the Constitution of Maine and require the following  
4           legislation as immediately necessary for the preser-  
5           vation of the public peace, health and safety; now,  
6           therefore,'

7           Further amend the Bill by inserting at the end  
8           before the statement of fact the following:

9           'Sec. 3. Study commission created. There is  
10          established a commission to study the matter of child  
11          custody in domestic relations cases.

12          Sec. 4. Appointment. The commission shall con-  
13          sist of 13 members, as follows: Two Senators  
14          appointed by the President of the Senate; 2 Repre-  
15          sentatives appointed by the Speaker of the House of  
16          Representatives; 2 attorneys who are members of the  
17          Maine State Bar with extensive experience in domestic  
18          relations matters appointed by the Governor; one psy-  
19          chiatrist, one psychologist and one social worker  
20          each with substantial experience in child custody  
21          matters appointed by the Commissioner of Human Ser-  
22          vices; the Commissioner of Human Services or his des-  
23          ignee; one Superior Court Judge and one District  
24          Court Judge appointed by the Chief Justice of the  
25          Supreme Judicial Court; and one member of the general  
26          public appointed by the Governor. The commission  
27          shall select a chairman from among its members.

28          Sec. 5. Duties. The commission shall undertake  
29          a complete study of the issue of child custody in  
30          domestic relations cases with particular attention  
31          to:

32           1. Whether the current statutes governing the  
33          custody of children in domestic relations are ade-  
34          quate;

35           2. Whether the current statutes governing the

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1 custody of children in domestic relations cases  
2 should be amended to change the law with regard to  
3 joint legal or joint physical custody;

4 3. Whether the decisions of law and some of the  
5 standards enacted in other states governing the  
6 determination of the custody of children in domestic  
7 relations cases should be expressly incorporated into  
8 the current statutes; and

9 4. Whether any institutional changes should be  
10 made in the present court system's handling of child  
11 custody matters in domestic relations cases.

12 **Sec. 6. Reports.** The commission shall present  
13 its findings, together with any recommended legis-  
14 lation to the Second Regular Session of the 111th  
15 Legislature by February 1, 1984.

16 **Sec. 7. Assistance.** The Office of Legislative  
17 Assistants shall provide assistance to the commission  
18 in carrying out its duties.

19 **Sec. 8. Appropriation.** There is appropriated to  
20 the commission from the General Fund the sum of  
21 \$2,500 for the fiscal year ending June 30, 1983, to  
22 carry out the purposes of this Act. Any unexpended  
23 balances shall not lapse but shall remain in a con-  
24 tinuing carrying account until February 1, 1984.

25 **Emergency clause.** In view of the emergency  
26 cited in the preamble, this Act shall take effect  
27 when approved.'

D. OF R.

(Filing No. S-163)

SENATE AMENDMENT " A " to H.P. 1243, L.D. 1657

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STATEMENT OF FACT

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The purpose of this amendment is to join 2 bills  
3 relating to the same subject matter.

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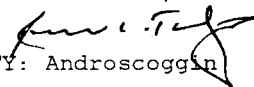
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(Sen. Trafton)

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NAME:



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COUNTY: Androscoggin

Reproduced and distributed pursuant to Senate Rule 11-A  
May 31, 1983 (Filing No. S-163)