

MAINE STATE LEGISLATURE

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(EMERGENCY)

(New Draft of H.P. 1117, L.D. 1475)
(New Title)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1658

H.P. 1244

House of Representatives, May 23, 1983

Reported by Representative Foster from the Committee on Judiciary and
printed under Joint Rule 2.

Original bill presented by Representative Scarpino of St. George.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

**AN ACT Establishing a Commission to
Study the Issue of the Custody of Children
in Domestic Relations Cases.**

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

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

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

10 Whereas, in the judgment of the Legislature,
11 these facts create an emergency within the meaning of
12 the Constitution of Maine and require the following
13 legislation as immediately necessary for the preser-
14 vation of the public peace, health and safety; now,
15 therefore,

16 Be it enacted by the People of the State of Maine as
17 follows:

18 **Sec. 1. Study commission created.** There is
19 established a commission to study the matter of child
20 custody in domestic relations cases.

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

37 **Sec. 3. Duties.** The commission shall undertake
38 a complete study of the issue of child custody in
39 domestic relations cases with particular attention
40 to:

1 ficult issues of child custody in cases of divorce or
2 separation. The committee believes that a comprehen-
3 sive examination should be undertaken of how custody
4 matters are being handled by our courts and of how
5 our domestic relations laws are affecting the lives
6 of parents and children in Maine. The original bill
7 sought to address the problem of one parent inter-
8 fering with the parental rights of the other. Prob-
9 lems such as this should be examined in this study.

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