

MAINE STATE LEGISLATURE

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D. OF R.

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L.D. 553
(Filing No. S-²⁵)

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STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT " A" to S.P. 203, L.D. 553,
Bill, "AN ACT to Reenact Provisions for the Court,
for Good Cause, to Hear Certain Contested Motions in
Separation, Annulment or Divorce Proceedings Where
There are Minor Children of the Parties Prior to Re-
ferring to Mediation."

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Amend the bill in the 3rd paragraph after the ti-
tle in the last line (page 1, line 35 in L.D.) by
striking out the figure "1" and inserting in its
place the figure '31'

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Further amend the bill in section 1, subsection
4, by striking out all of the first sentence and in-
serting in its place the following:

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'Prior to a contested hearing under this section
where there are minor children of the parties, the
court shall refer the parties to mediation; except
that, ~~the court,~~ for good cause shown, the court,
prior to referring the parties to mediation, may hear
contested motions for temporary relief, pending final
judgment on any issue or combination of issues of pa-
rental rights and responsibilities, child support or
possession of the family residence pending a final
order judgment under this section and prior to refer-
ring the parties to mediation for which good cause
for temporary relief has been shown.'

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Further amend the bill in section 2, subsection
4, by striking out all of the first sentence and in-
serting in its place the following:

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'Prior to a contested hearing under this section
where there are minor children of the parties, the
court shall refer the parties to mediation; except
that, ~~the court,~~ for good cause shown, the court,

COMMITTEE AMENDMENT "A " to S.P. 203, L.D. 553

1 prior to referring the parties to mediation, may hear
2 contested motions for temporary relief, pending final
3 judgment on any issue or combination of issues of pa-
4 rental rights and responsibilities, child support or
5 possession of the family residence pending a final
6 order judgment under this section and prior to refer-
7 ring the parties to mediation for which good cause
8 for temporary relief has been shown.'

9 Further amend the bill by inserting after section
10 2 the following:

11 'Sec. 3. 19 MRSA §693, as repealed and replaced
12 by PL 1977, c. 439, §3, is amended to read:

13 §693. Expenses pending divorce

14 Pending In accordance with section 752, subsec-
15 tion 4, pending a divorce action, the court may or-
16 der either spouse to pay to the other spouse, or to
17 the attorney for the other spouse, sufficient money
18 for the defense or prosecution thereof; may make rea-
19 sonable provision for either spouse's separate sup-
20 port, on a motion for which costs and counsel fees
21 may be ordered; enter such decree for the care, cus-
22 tody and support of the minor children as the court
23 deems proper; and in all cases enforce obedience by
24 appropriate processes on which costs and counsel fees
25 shall be taxed as in other actions. An order for
26 child support under this section may include an order
27 for the payment of part or all of the medical ex-
28 penditures, hospital expenses and other health care ex-
29 penditures of the children or an order to provide a poli-
30 cy or contract for coverage of such expenses. Availa-
31 bility of public welfare benefits to the family shall
32 not affect the decision of the court as to the re-
33 sponsibility of a parent to provide child support.'

34 Further amend the bill in section 3, subsection
35 4, by striking out all of the first sentence and in-
36 serting in its place the following:

D OF H.

COMMITTEE AMENDMENT "A " to S.P. 203, L.D. 553

1 'Prior to a contested hearing under this section
2 where there are minor children of the parties, the
3 court shall refer the parties to mediation; except
4 that, ~~the court,~~ for good cause shown, the court,
5 prior to referring the parties to mediation, may hear
6 contested motions for temporary relief, pending final
7 judgment on any issue or combination of issues of pa-
8 rental rights and responsibilities, child support or
9 possession of the family residence pending a final
10 order judgment under this section and prior to refer-
11 ring the parties to mediation for which good cause
12 for temporary relief has been shown.'

13 Further amend the bill by inserting before the
14 emergency clause the following:

15 'Sec. 5. PL 1983, c. 862, §103, as amended by PL
16 1985, c. 7, is repealed.'

17 Further amend the bill by renumbering the sec-
18 tions to read consecutively.

19 STATEMENT OF FACT

20 The purpose of this amendment is to clarify the
21 exception to mediation of motions pending divorce and
22 to make a technical correction required for the sun-
23 set clause on the exception to be repealed.

24 This amendment makes it clear that when the court
25 is shown good cause for making an exception to the
26 mediation requirement for motions pending, the court
27 may decide only those issues for which good cause for
28 temporary relief has been shown.

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1 The amendment adds a necessary cross reference to
2 the divorce mediation statute in another statute con-
3 cerning motions pending and adds a section repealing
4 the sunset clause.

5 2822032585

Reported by Senator Carpenter for the Committee on Judiciary
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(3/25/85)

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