

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1237

6
7 H.P. 880

House of Representatives, April 9, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Stevens of Sabattus.

Cosponsored by Representative Cote of Auburn and Senator Berube of Androscoggin.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Relating to Child Abuse Conviction
18 Reform.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 17-A MRSA §1259 is enacted to read:

23 §1259. Persons convicted of crimes involving child
24 abuse; custody of children

25 1. Definitions. As used in this section, unless
26 the context otherwise indicates, the following terms
27 have the following meanings.

28 A. "Abuse" means a threat to a child's health or
29 welfare by physical or mental injury or impair-
30 ment, sexual abuse or exploitation by a custodian
31 of a child.

32 B. "Child" means a person who is less than 18
33 years of age.

1 C. "Custodian" means a person who has legal cus-
2 tody and power over the person of a child.

3 2. Conviction of crime involving abuse of
4 child. If any person is convicted of any crime which
5 involves the abuse of a child in the custody of that
6 person, the court shall, prior to sentencing the per-
7 son, order that the child be removed from that
8 person's custody for a period of not less than one
9 year. The order shall provide for the child's custo-
10 dy and protection during that period in accordance
11 with the provisions of Title 22, chapter 1071. At
12 the end of that period, the court shall review the
13 order in accordance with Title 22, section 4038 and
14 may, at that time, make any further order consistent
15 with the provisions of Title 22, chapter 1071.

16 STATEMENT OF FACT

17 The purpose of this bill is to provide that any
18 person who is convicted of a crime involving abuse of
19 a child shall lose custody of the child for a period
20 of at least one year.

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