

MAINE STATE LEGISLATURE

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5.
D. OF R.

1

L.D. 1364

2

(Filing No. S-291)

3

STATE OF MAINE

4

SENATE

5

112TH LEGISLATURE

6

FIRST REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 504, L.D.
1364, Bill, "AN ACT Establishing a Commission to
Study Family Matters in Court and the Establishment
of a Family Division of Court."

Amend the bill by striking out all of the title
and inserting in its place the following:

'AN ACT Establishing a Commission to Study Family
Matters in Court.'

Further amend the bill by striking out everything
after the title and inserting in its place the fol-
lowing:

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

Whereas, the Judicial Department, pursuant to the
final report of a study of the Probate Court system,
is recommending the abolition of Probate Courts and
the division of probate matters between the District
Court and Superior Court; and

Whereas, the same final report considered and
suggested further study of family matters in court;
and

Whereas, the handling of family matters is one of
the most important and sensitive functions of our
courts; and

Whereas, in the judgment of the Legislature,
these facts create an emergency within the meaning of
the Constitution of Maine and require the following
legislation as immediately necessary for the preser-

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1 vation of the public peace, health and safety; now,
2 therefore,

3 Be it enacted by the People of the State of Maine as
4 follows:

5 Sec. 1. Study commission created. There is es-
6 tablished a commission to study family matters in the
7 courts.

8 Sec. 2. Appointment. The commission shall con-
9 sist of 10 members, as follows: Two Senators ap-
10 pointed by the President of the Senate; 2 Representa-
11 tives appointed by the Speaker of the House of Repre-
12 sentatives; one attorney, who is a member of the
13 Maine State Bar Association with extensive experience
14 in family law matters, appointed by the President of
15 the Maine State Bar Association; the Commissioner of
16 Human Services or his designee; a member of the Juve-
17 nile Justice Advisory Group, appointed by the Gover-
18 nor; a District Court Clerk, appointed by the Chief
19 Judge of the District Court; a register of probate,
20 appointed by the President of the Maine Association
21 of Registers of Probate; and a member of the public,
22 appointed by the Governor. The commission shall re-
23 quest the Chief Justice of the Supreme Judicial Court
24 to appoint a Superior Court Justice, a District Court
25 Judge and a Probate Court Judge to serve as advisors
26 to the commission. The commission shall select a
27 chairman from among its members.

28 Sec. 3. Duties. The commission shall undertake
29 a complete study of the issue of family matters in
30 the courts. The commission shall consider:

31 1. The relationship among all types of child
32 custody proceedings, child protective proceedings,
33 divorce proceedings, adoption proceedings, juvenile
34 proceedings, probate proceedings and any other pro-
35 ceedings concerning children, domestic relations or
36 family matters;

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1 2. The types of court procedures and services
2 best suited to family matters;

3 3. Whether family courts or family divisions of
4 court offer advantages in administration, services
5 and expertise available to families and expeditious,
6 flexible and sensitive handling of family matters;

7 4. Whether the jurisdiction of the Probate Court
8 should be transferred to the Superior Court and Dis-
9 trict Court;

10 5. Whether the jurisdiction of the Probate
11 Court, Superior Court and District Court should be
12 rearranged to more adequately handle family matters;

13 6. Whether any additional judges are needed to
14 handle family matters; and

15 7. Whether any other institutional or personnel
16 changes are needed to handle family matters.

17 Sec. 4. Report. The commission shall present
18 its findings, together with any recommended legisla-
19 tion, to the Second Regular Session of the 112th Leg-
20 islature by March 1, 1986.

21 Sec. 5. Assistance. The Office of Legislative
22 Assistants shall provide assistance to the commission
23 in carrying out its duties.

24 Sec. 6. Compensation. The members of the com-
25 mission who are Legislators shall receive the legis-
26 lative per diem, as defined in the Maine Revised
27 Statutes, Title 5, section 12002, for days of attend-
28 ance at commission meetings. All members of the com-
29 mission shall receive expenses, as defined in the
30 Maine Revised Statutes, Title 5, section 12002, upon
31 application to the Legislative Administrative Direc-
32 tor for those expenses.

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1 study is not to be viewed as the creation of a family
2 division of court.

3 4350061285

Reported by Senator Carpenter for the Committee on Judiciary.
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