

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2102

S.P. 801 In Senate, January 20, 1988  
Approved for Introduction by a Majority of the Legislative  
Council pursuant to Joint Rule 26.

Reference to the Committee on Judiciary suggested and  
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator DOW of Kennebec.

Cosponsored by Representative DAVIS of Monmouth.

STATE OF MAINE

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

1 AN ACT to Remove the Issue of Parental Rights  
2 and Responsibilities from the Divorce  
3 Monetary Settlement Process.  
4

5 Be it enacted by the People of the State of Maine as  
6 follows:

7 19 MRSA §752, sub-§3-A is enacted to read:

8 3-A. Award of parental rights and  
9 responsibilities. The court making an order of

1 nullity or of divorce shall make any award of parental  
2 rights and responsibilities with respect to a minor  
3 child, including an award of child support, separate  
4 from and prior to any hearing and decree concerning  
5 issues under article 3. In making the award of  
6 parental rights and responsibilities, the court shall  
7 make such inquiry of the parties and their attorneys  
8 as is necessary to satisfy the court that any  
9 negotiations between the parties and their attorneys  
10 concerning parental rights and responsibilities did  
11 not include consideration of the issues encompassed by  
12 article 3.

13 **STATEMENT OF FACT**

14 The purpose of this bill is to require the court  
15 in a divorce or annulment proceeding involving minor  
16 children to make its decrees and inquiries of the  
17 parties and their attorneys so as to discourage or  
18 prevent bargaining tactics that seek to link parental  
19 rights and responsibilities with separate issues of  
20 property disposition.

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