

# MAINE STATE LEGISLATURE

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L.D. 2465

(Filing No. H- 601 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
113TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1801, L.D. 2465,  
Bill, "AN ACT to Amend Maine's Domestic Relations  
Laws."

Amend the bill by striking out everything after  
the enacting clause and inserting in its place the  
following:

' 19 MRSA §752, sub-§12, as amended by PL 1987,  
c. 179, §3, is repealed and the following enacted in  
its place:

12. Modification of orders; compulsory process.  
Upon the motion of one or both of the parents, or any  
agency or person who has been granted parental rights  
and responsibilities or contact with respect to a  
child under this section, the court may alter its  
order concerning parental rights and responsibilities  
or contact with respect to a minor child as  
circumstances require. The parties shall be referred  
to mediation as under subsection 4.

The relocation, or intended relocation, of a child  
resident in this State to another state by a parent,  
when the other parent is a resident in this State and  
there exists an award of shared or allocated parental  
rights and responsibilities concerning the child, is a  
substantial change in circumstances.

1 In execution of the powers given it under this Title,  
2 the court may employ any compulsory process which it  
3 deems proper, by execution attachment or other  
4 effectual form, on which costs shall be taxed as in  
5 other actions.'

6

STATEMENT OF FACT

7 This amendment replaces the entire original bill.  
8 It clarifies the provision of existing law regarding  
9 the ability of certain persons to file motions to  
10 amend a divorce decree concerning the award of  
11 parental rights and responsibilities. The existing  
12 statutory language has been erroneously interpreted to  
13 allow a blood relative of a minor child to bring a  
14 motion to grant that relative visitation rights with  
15 respect to the child against the wishes of both  
16 parents, even though the original divorce decree  
17 contained no such rights.

18 It was never the intent of the Legislature to  
19 permit such motions to be brought after entry of final  
20 judgment in a divorce case. The current language was  
21 intended only to permit those persons who were  
22 actually awarded parental rights and responsibilities  
23 or visitation privileges to move the court to amend  
24 the original order. The amendment clarifies that  
25 original intent of the Legislature.

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Reported by the Committee on Judiciary  
Reproduced and distributed under the direction of the Clerk of the  
House  
4/4/88 (Filing No. H-601)