

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2079

H.P. 1467

House of Representatives, January 7, 1992

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

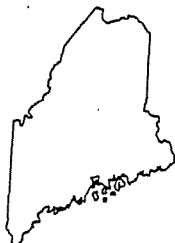
EDWIN H. PERT, Clerk

Presented by Representative GEAN of Alfred.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Amend the Laws Regarding Dismissal of Paternity
Proceedings.



2 **Be it enacted by the People of the State of Maine as follows:**

4 **19 MRSA §286**, as amended by PL 1973, c. 625, §97, is
repealed and the following enacted in its place:

6 **§286. Rules of civil procedure**

8 **1. Procedure.** The rules of civil procedure apply to this
10 subchapter in all cases of birth out of wedlock, as defined in
this subchapter, when birth occurs after October 7, 1967.

12 **2. Dismissal without prejudice.** Dismissals of paternity
14 actions must be without prejudice in all cases except:

16 **A. When an adjudication on the merits has occurred; or**

18 **B. When the department is a party, the department consents**
to dismissal with prejudice.

20 **STATEMENT OF FACT**

22 This bill is meant to overrule the Law Court's decision in
24 Department of Human Services v. Lowatchie, 569 A.2d 197 (Me.
1990).

26 The bill establishes that dismissals of paternity actions
28 must be without prejudice in all cases, except when the merits of
30 the case have shown the alleged father to not be the biological
32 father or when the Department of Human Services consents to
dismissal with prejudice.