

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 50

S.P. 19

In Senate, January 12, 1995

An Act to Repeal the Sunset on the Grandparents Visitation Act.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator FAIRCLOTH of Penobscot.
Cosponsored by Representative PLOWMAN of Hampden and
Senator: MILLS of Somerset, Representatives: POVICH of Ellsworth, TRIPP of Topsham.

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

2
4 **Sec. 1. 19 MRSA §1003, sub-§1, ¶¶B and C,** as enacted by PL 1993, c. 479, §1, are amended to read:

6 B. There is a sufficient existing relationship between the
8 grandparent and the child, ~~---This--paragraph--is--repealed
October-17-1995;~~ or

10 C. If a sufficient existing relationship between the
12 grandparent and the child does not exist, a sufficient
14 effort to establish one has been made. ~~This-paragraph-is
repealed-October-17-1995.~~

16 **Sec. 2. 19 MRSA §1003, sub-§1-A,** as enacted by PL 1993, c. 479, §2, is amended to read:

18 **1-A. Procedure.** The following procedures apply to
20 petitions for rights of visitation or access under subsection 1,
 paragraph B or C.

22 A. The grandparent must file with the petition for rights
24 of visitation or access an affidavit alleging a sufficient
26 existing relationship with the child, or that sufficient
28 efforts have been made to establish a relationship with the
 child. When the petition and accompanying affidavit are
 filed with the court, the grandparent shall serve a copy of
 both on at least one of the parents or legal guardians of
 the child.

30 B. The parent or legal guardian of the child may file an
32 affidavit in response to the grandparent's petition and
34 accompanying affidavit. When the affidavit in response is
 filed with the court, the parent or legal guardian shall
 deliver a copy to the grandparent.

36 C. The court shall determine on the basis of the petition
38 and the affidavit whether it is more likely than not that
40 there is a sufficient existing relationship or, if a
 sufficient relationship does not exist, that a sufficient
 effort to establish one has been made.

42 D. If the court's determination under paragraph C is in the
44 affirmative, the court shall hold a hearing on the
46 grandparent's petition for reasonable rights of visitation
48 or access and shall consider any objections the parents or
 legal guardians may have concerning the award of rights of
 visitation or access to the grandparent. The standard for
50 the award of reasonable rights of visitation or access is
 provided in subsection 2.

2 ~~This subsection is repealed October 1, 1995.~~

4

STATEMENT OF FACT

6

8 This bill removes the language automatically repealing the
10 additional categories of situations allowing persons to petition
12 for rights under the Grandparents Visitation Act enacted in
14 1994. These situations are when both parents are still alive. A
16 grandparent may petition the court for reasonable rights of
 visitation and access if there is a sufficient existing
 relationship between the grandparent and the child, or, when no
 such relationship exists, the grandparent can show that the
 grandparent has made sufficient effort to establish one.

18 Without this bill, the language providing an opportunity to
 petition the court in these 2 situations would be repealed on
 October 1, 1995.