

# MAINE STATE LEGISLATURE

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MAJORITY  
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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 341, L.D. 461, Bill, "An Act to Ensure Children's Rights Concerning Visitation and Access"

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

'Sec. 1. 19 MRSA §214, sub-§6, as amended by PL 1989, c. 272, §1, is further amended to read:

6. Order. The order of the court shall must award allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child. Where When the parents have agreed to an award of shared parental rights and responsibilities or so agree in open court, the court shall make that award unless there is substantial evidence that it should not be ordered. The court shall state in its decision the reasons for not ordering a shared parental rights and responsibilities award agreed to by the parents.

The court may award reasonable rights of contact with a minor child to any 3rd persons.

The court may award parental rights and responsibilities to a 3rd person, a society or institution for the care and protection of children, or to the Department of Human Services upon a finding that awarding parental rights and responsibilities to either or both parents will place the child in jeopardy as defined in Title 22, section 4002, subsection 6.

Every final order issued under this section shall must contain:

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A. A provision for child support or a statement of the reasons for not ordering child support; and

B. A statement that each parent shall must have access to records and information pertaining to a minor child, including but not limited to, medical, dental and school records, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access; and

C. A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 6-A.

Sec. 2. 19 MRSA §214, sub-§6-A is enacted to read:

6-A. Violation of order. Either parent may petition the court for a hearing on the issue of noncompliance with the order issued under subsection 6. If the court finds that a parent has violated a part of the order, the court may find that parent in contempt and may do one or more of the following:

A. Require additional or more specific terms and conditions consistent with the order;

B. Order that additional visitation be provided for a parent to take the place of visitation that was wrongfully denied; and

C. Order a parent found in contempt to pay a fine of at least \$100.

Sec. 3. 19 MRSA §581, sub-§6, as amended by PL 1989, c. 272, §2, is further amended to read:

6. Order. Upon petition under subsection 3, paragraph B, the order of the court shall must award allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child. ~~Where~~ When the parents have agreed to an award of shared parental rights and responsibilities or so agree in open court, the court shall make that award unless there is substantial evidence that it should not be ordered. The court shall state in its decision the reasons for not ordering a shared parental rights and responsibilities award agreed to by the parents.

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2 The court may award reasonable rights of contact with a minor child to any 3rd persons.

4 The court may award parental rights and responsibilities to a 3rd person, a society or institution for the care and protection of children, or to the Department of Human Services upon a finding that awarding parental rights and responsibilities to either or both parents will place the child in jeopardy as defined in Title 22, section 4002, subsection 6.

10 Every final order issued under this section shall must contain:

12 A. A provision for child support or a statement of the reasons for not ordering child support; and

16 B. A statement that each parent shall must have access to records and information pertaining to a minor child, including but not limited to, medical, dental and school records, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access; and

26 C. A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 6-A.

30 Sec. 4. 19 MRSA §581, sub-§6-A is enacted to read:

32 6-A. Violation of order. Either parent may petition the court for a hearing on the issue of noncompliance with the order issued under subsection 6. If the court finds that a parent has violated a part of the order, the court may find that parent in contempt and may do one or more of the following:

38 A. Require additional or more specific terms and conditions consistent with the order;

42 B. Order that additional visitation be provided for a parent to take the place of visitation that was wrongfully denied; and

46 C. Order a parent found in contempt to pay a fine of at least \$100.

48 Sec. 5. 19 MRSA §752, sub-§6, as enacted by PL 1983, c. 813, §5, is amended to read:

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6. Order. The order of the court shall must award allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child. Where When the parents have agreed to an award of shared parental rights and responsibilities or so agree in open court, the court shall make that award unless there is substantial evidence that it should not be ordered. The court shall state in its decision the reasons for not ordering a shared parental rights and responsibilities award agreed to by the parents.

The court may award reasonable rights of contact with a minor child to any 3rd persons.

The court may award parental rights and responsibilities with respect to the child to a 3rd person, some suitable society or institution for the care and protection of children or the Department of Human Services upon a finding that awarding parental rights and responsibilities to either or both parents will place the child in jeopardy as defined in Title 22, section 4002, subsection 6.

Every final order issued under this section shall must contain:

A. A provision for child support or a statement of the reasons for not ordering child support; and

B. A statement that each parent shall must have access to records and information pertaining to a minor child, including but not limited to, medical, dental and school records, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access.; and

C. A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 6-A.

Sec. 6. 19 MRSA §752, sub-§6-A is enacted to read:

6-A. Violation of order. Either parent may petition the court for a hearing on the issue of noncompliance with the order issued under subsection 6. If the court finds that a parent has violated a part of the order, the court may find that parent in contempt and may do one or more of the following:

2 A. Require additional or more specific terms and conditions  
consistent with the order;

4 B. Order that additional visitation be provided for a  
parent to take the place of visitation that was wrongfully  
6 denied; and

8 C. Order a parent found in contempt to pay a fine of at  
least \$100.'

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12 **STATEMENT OF FACT**

14 This amendment replaces the bill. It amends the laws  
16 concerning orders awarding parental rights and responsibilities  
18 to include specific actions a court can order when a parent  
violates an order. One action authorized is a requirement that  
20 additional visitation be provided when visitation was wrongfully  
withheld.

22 The Department of Corrections has prepared the following  
24 correctional impact statement for the original bill pursuant to  
the Maine Revised Statutes, Title 34-A, section 1402: "L.D. 461,  
An Act to Ensure Children's Rights Concerning Visitation and  
26 Access, would provide a judge the option to use imprisonment as a  
new penalty under these sections. A person sentenced under these  
28 sections would serve the sentence in a county jail facility. The  
average cost per day in a county jail is \$83.22."