

MAINE STATE LEGISLATURE

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L.D. 1439

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

COMMITTEE AMENDMENT "A" to H.P. 1024, L.D. 1439, Bill, "An Act to Amend the Laws on Marital Property, to Provide for Alternative Dispute Resolution in Domestic Relation Matters and to Provide for the Recodification and Revision of the Maine Revised Statutes, Title 19"

Amend the bill by striking out the title and substituting the following:

'An Act to Provide for Alternative Dispute Resolution in Domestic Relations Matters and to Provide for the Recodification and Revision of the Maine Revised Statutes, Title 19'

Further amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 19 MRSA §753 is enacted to read:

§753. Court authority to approve alternative dispute resolution processes

1. Appointment of referee. The court may appoint a referee in any proceeding for paternity, divorce, judicial separation or modification of existing judgments brought under this Title:

A. When the parties agree the case may be tried before a referee; or

B. Upon motion demonstrating exceptional circumstances that require a referee.

2. Payment for services. Payment for the services of the referee is the responsibility of the parties, as ordered by the court. If the court finds that either or both of the parties are

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2 indigent, the court may pay the reasonable costs and expenses of
3 the referee.

4 3. Referee's report. If all parties waive their right to
5 object to acceptance of the referee's report, the court shall
6 immediately enter judgment on the referee's report without a
7 further hearing.'

8
9 Further amend the bill in section 2 by striking out all of
10 the 3rd and 4th paragraphs (page 3, lines 23 to 33 in L.D.) and
11 inserting in their place the following:

12
13 'The chairs of the Joint Standing Committee on Judiciary
14 shall oversee the preparation of the legislation. The Office of
15 the Revisor of Statutes and the Office of Policy and Legal
16 Analysis shall keep the chairs apprised of the work pursuant to
17 this section.'

18
19 Further amend the bill by inserting after section 2 and
20 before the emergency clause the following:

21 **'Sec. 3. Review and recommendations by the Family Law Section of**
22 **the Maine State Bar Association.** The Family Law Section of the
23 Maine State Bar Association shall review the language and
24 principles proposed in Legislative Document 1468, and shall
25 report back to the Joint Standing Committee on Judiciary by
26 December 1, 1995 with recommendations, including any legislative
27 recommendations, to be incorporated into the committee's
28 deliberations on the bill prepared pursuant to section 2 of this
29 Act. The Family Law section shall include, to the extent
30 practicable, the sponsors and interested parties in the review
31 and recommendation process.'

32
33 Further amend the bill by inserting at the end before the
34 statement of fact the following:

35
36
37
38 **FISCAL NOTE**

39
40 The Judicial Department will incur additional costs to pay
41 the reasonable costs and expenses of referees in those cases
42 where either or both parties are indigent. The amount of the
43 additional General Fund appropriations required can not be
44 determined at this time. The department may also experience some
45 minor offsetting savings in workload that is reduced by the use
46 of referees.

47
48 The additional costs for the Office of the Revisor of
Statutes and the Office of Policy and Legal Analysis to prepare

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2 certain legislation, with oversight by the chairs of the Joint
Standing Committee on Judiciary, can be absorbed by the
4 Legislature utilizing existing budgeted resources.'

6 **STATEMENT OF FACT**

8 This amendment removes the proposed revision to the current
provision governing the disposition of marital assets in divorce
10 proceedings.

12 This amendment provides that the parties must pay for the
referee unless the court determines one or both are indigent, in
14 which case the court shall pay the costs.

16 This amendment revises the requirement that the Office of
the Revisor of Statutes and the Office of Policy and Legal
18 Analysis prepare a recodification of the Maine Revised Statutes,
Title 19 by deleting the subcommittee oversight, and providing
20 that the chairs of the Joint Standing Committee on Judiciary will
oversee the process.

22 This amendment adds a new section directing the Family Law
24 Section of the Maine State Bar Association to review and make
recommendations concerning the language and principles contained
26 in Legislative Document 1468. The Family Law Section is to
include the sponsors of the bills and interested parties to the
28 extent practicable. The recommendations are due to the Joint
Standing Committee on Judiciary by December 1, 1995.

30 This amendment also adds a fiscal note to the bill.