

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 936, L.D. 1283, Bill, "An Act to Restrict Parental Rights of Convicted Sex Offenders"

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

Sec. 1. 19-A MRSA §1658 is enacted to read:

§1658. Termination of parental rights and responsibilities upon conviction

The parental rights and responsibilities with respect to a specific child of a parent convicted of a crime involving the sexual intercourse that resulted in the conception of that child may be terminated in accordance with this section.

1. Petitioner. The petition for termination may be filed by the other parent or, if the other parent is a minor, the parent or guardian of the other parent.

2. Petition. The petitioner may file a petition with the District Court that requests the termination of the parental rights and responsibilities of the convicted parent and alleges:

A. That the parent was convicted of a crime involving sexual intercourse; and

B. That the sexual intercourse resulted in the conception of the child.

3. Termination. Except as provided in subsection 4, if the petitioner proves the allegations in subsection 2, paragraphs A

COMMITTEE AMENDMENT

2 and B by a preponderance of the evidence, the court shall
terminate the parental rights and responsibilities of the parent.

4 4. Exception. The court is not required to terminate the
parental rights and responsibilities of a parent convicted of
6 gross sexual assault under Title 17-A, section 253, subsection 1,
paragraph B, that resulted in the conception of the child if:

8
10 A. The parent or guardian of the other parent filed the
petition;

12 B. The other parent informs the court that the sexual act
was consensual; and

14
16 C. The other parent opposes the termination of the parental
rights and responsibilities of the parent convicted of the
18 gross sexual assault.'

20 Further amend the bill by inserting at the end before the
summary the following:

22 **FISCAL NOTE**

24
26 This bill may increase the number of civil suits filed in
the court system. The additional workload and administrative
28 costs associated with the minimal number of new cases filed can
be absorbed within the budgeted resources of the Judicial
30 Department. The collection of additional filing fees may also
increase General Fund revenue by minor amounts.'

32
34 **SUMMARY**

36 This amendment replaces the bill. It provides for the
38 termination of parental rights and responsibilities of a parent
if that parent was convicted of a crime involving sexual
intercourse that resulted in the conception of the child.

40
42 The termination process is initiated by a petition filed by
either the other parent of the child or, if the other parent is a
44 minor, by the parent or guardian of the other parent. If the
petitioner proves the allegations, the court is required to
46 terminate the convicted parent's parental rights and
responsibilities relating to that child. If the crime was
48 statutory rape, however, the court has discretion as to whether
the parental rights and responsibilities should be terminated if
50 the petition was brought by the other parent's parent or
guardian, the other parent informs the court that the sexual act

COMMITTEE AMENDMENT "A" to H.P. 936, L.D. 1283

2 was consensual and the other parent does not want the parent's
parental rights and responsibilities terminated.

4 The amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT