

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

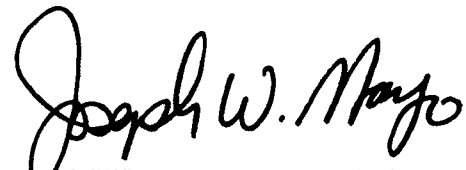
No. 2286

H.P. 1634

House of Representatives, December 14, 1999

An Act to Amend the Laws Governing Paternity Establishment.

Submitted by the Department of Human Services pursuant to Joint Rule 204.
Received by the Clerk of the House on December 10, 1999. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.


JOSEPH W. MAYO, Clerk

Presented by Representative THOMPSON of Naples.

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

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Sec. 1. 4 MRSA §152, sub-§4, as amended by PL 1989, c. 415, §1, is further amended to read:

4. Exclusive jurisdiction. Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34, chapter 229, mental retardation certification hearings under Title 34, chapter 229, habitual truancy actions under Title 20-A, chapters 119 and 211 under which equitable relief may be granted, actions to determine parentage under Title 19-A, chapter 53 and chapter 67, subchapter VII and small claims actions under Title 14, chapter 738; and

Sec. 2. 4 MRSA §152, sub-§5, ¶A, as amended by PL 1995, c. 694, Pt. D, §2 and affected by Pt. E, §2, is further amended to read:

A. Actions for divorce, annulment of marriage or judicial separation and proceedings under Title 19-A except proceedings under chapter 53 and chapter 67, subchapter VII;

Sec. 3. 19-A MRSA §1556, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

§1556. Remedies

The ~~Superior Court or~~ District Court has exclusive jurisdiction over an action under this subchapter and all remedies to determine parentage. There is no right to demand a jury trial in an action to determine parentage. The Superior Court or District Court has jurisdiction for the enforcement of judgments for expenses of pregnancy and confinement for a wife or for education, support or funeral expenses for legitimate children and all remedies for the enforcement of these judgments apply. The court has continuing jurisdiction to modify or revoke a judgment for future education and support. All remedies under the Uniform Interstate Family Support Act are available for enforcement of duties of support under this subchapter.

Sec. 4. 19-A MRSA §1557, 2nd ¶, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

Sec. 5. 19-A MRSA §1601, sub-§2-A is enacted to read:

2-A. Court. "Court" means the District Court.

Sec. 6. 19-A MRSA §2103, sub-§1, ¶A, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2 is amended to read:

2 A. "Applicant" means an individual, including a person
3 receiving services under section 2108, state, political
4 subdivision of a state or instrumentality of a state.

6 **Sec. 7. 19-A MRSA §3301, sub-§1,** as enacted by PL 1995, c.
694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

8 **1. Initiating or responding tribunal.** A ~~tribunal~~ District
9 Court of this State or the department may serve as an initiating
10 or responding tribunal in a proceeding brought under this chapter
11 or a law substantially similar to this chapter, the Uniform
12 Reciprocal Enforcement of Support Act or the Revised Uniform
13 Reciprocal Enforcement of Support Act to determine that the
14 petitioner is a parent of a particular child or to determine that
15 a respondent is a parent of that child.

18 SUMMARY

20 This bill provides that a jury trial is not available in a
21 proceeding to establish paternity. Federal law mandates this
22 change. The federal Personal Responsibility and Work Opportunity
23 Reconciliation Act of 1996, Public Law 104-193, Section 331, 110
24 Stat. 2105 amended Title 42 of the United States Code, Section
25 666(a)(5) to mandate that each state must have in effect
26 procedures providing that the parties to an action to establish
27 paternity are not entitled to a jury trial.

28 The bill also amends the definition of "applicant" to
30 include those persons receiving services under the Maine Revised
Statutes, Title 19-A, section 2108.