## MAINE STATE LEGISLATURE

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## 119th MAINE LEGISLATURE

## **SECOND REGULAR SESSION-1999**

Legislative Document

No. 2307

S.P. 888

In Senate, December 27, 1999

An Act to Protect the Health and Well-being of a Nursing Infant of Separated or Divorcing Parents.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 27, 1999. Referred to the Committee on Judiciary and ordered printed pursuant to Joint Rule 308.2

JOY J. O'BRIEN Secretary of the Senate

40 Brien

Presented by Senator CATHCART of Penobscot. Cosponsored by Senators: DAGGETT of Kennebec, PINGREE of Knox, RAND of Cumberland.

	Be it enacted by the People of the State of Maine as follows:
2 4	Sec. 1. 19-A MRSA §1653, sub-§3, ¶N, as amended by PL 1997, c. 187, §3 and affected by §5, is further amended to read:
б	N. All other factors having a reasonable bearing on the physical and psychological well-being of the child; and
8	
10	Sec. 2. 19-A MRSA §1653, sub-§3, ¶O, as enacted by PL 1997, c. 187, §3 and affected by §5, is amended to read:
12	O. A parent's prior willful misuse of the protection from abuse process in chapter 101 in order to gain tactical
14	advantage in a proceeding involving the determination of parental rights and responsibilities of a minor child. Such
16	willful misuse may only be considered if established by clear and convincing evidence, and if it is further found by
18	clear and convincing evidence that in the particular circumstances of the parents and child, that willful misuse
20	tends to show that the acting parent will in the future have a lessened ability and willingness to cooperate and work
22	with the other parent in their shared responsibilities for the child. The court shall articulate findings of fact
24	whenever relying upon this factor as part of its determination of a child's best interest. The voluntary
26	dismissal of a protection from abuse petition may not, taken alone, be treated as evidence of the willful misuse of the
28	protection from abuse process. and
30	Sec. 3. 19-A MRSA §1653, sub-§3, ¶P is enacted to read:
32	P. Whether the child is being breast-fed.
34	SUMMARY
<b>36</b>	
38	This bill adds to the list of factors a judge must consider in deciding parental rights and responsibilities whether the mother is breast-feeding an infant under one year of age.