

MAINE STATE LEGISLATURE

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11/18/19

L.D. 859

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 610, L.D. 859, Bill, "An Act To Provide Greater Civil Relief Protection for Members of the Military"

Amend the bill in section 4 in that part designated "§343." in subsection 2 in the last line (page 1, line 48 in L.D.) by inserting after the following: "military orders" the following: 'unless the change is in the best interest of the child'

Further amend the bill in section 6 in that part designated "§389-A." in subsection 1 in the last line (page 2, line 21 in L.D.) by striking out the following: "Service Members'" and inserting in its place the following: 'Maine Servicemembers'

Further amend the bill in section 6 in that part designated "§389-A." in subsection 3 in the 3rd line (page 2, line 38 in L.D.) by striking out the following: "if the member" and inserting in its place the following: 'if the plaintiff, defendant or attorney'

Further amend the bill in section 6 in that part designated "§389-A." in subsection 3 in the last line (page 2, line 47 in L.D.) by inserting after the following: "military service" the following: ', except that an action or proceeding involving a child may not be stayed unless the stay is in the best interest of the child'

Further amend the bill in section 6 in that part designated "§389-A." by striking out all of subsection 4 (page 2, lines 49 and 50 and page 3, lines 1 and 2 in L.D.) and inserting in its place the following:

COMMITTEE AMENDMENT

2 '4. Appearance. An application for a stay of a court or
4 administrative proceeding pursuant to the Servicemembers' Civil
6 Relief Act of 2003, 50 United States Code App. Sections 501 to
596, or this section does not constitute an appearance for any
purpose.'

8 Further amend the bill in section 6 in that part designated
10 "~~§389-A.~~" by striking out all of subsection 7 (page 3, lines 21
to 29 in L.D.) and inserting in its place the following:

12 '7. Transfer of parent-child contact rights. Upon motion
14 of a service member, or upon the court's own motion, in a case
16 involving parent-child contact, the court shall allow the service
18 member to temporarily transfer the service member's contact
20 rights to a relative, by blood or marriage, who has a significant
connection with the child or children when the military duties of
the service member have a material effect on the ability of the
service member to exercise those rights, unless the transfer is
not in the best interest of the child.'

22
24 **SUMMARY**

26 The bill prohibits a court from changing the primary
28 physical residence of a child when one of the child's parents is
30 a member of the National Guard or the Reserves of the United
32 States Armed Forces ordered to active duty and will be absent
from the State in compliance with the order. This amendment
provides that a court may not make a change in primary physical
residence of a child in those circumstances unless the change is
in the best interest of the child.

34 This amendment clarifies the reference to a member who is
36 the plaintiff, defendant or attorney in a proceeding. For
actions and proceedings involving children, a stay may occur only
if the stay is in the best interest of the child.

38 This amendment corrects a reference to the new federal
40 Servicemembers' Civil Relief Act of 2003.

42 The bill authorized a service member to transfer custody and
44 visitation rights to a relative when the military duties of the
46 service member have a material effect on the ability to exercise
48 those rights. This amendment clarifies the language to apply to
parent-child contact rights. It allows the service member to
temporarily transfer those contact rights to a relative, by blood
or marriage, who already has a significant connection with the
child, unless the transfer is not in the best interest of the
50 child.