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L.D. 1017

Date: 6/12/15

(Filing No. S-254)

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 358, L.D. 1017, Bill, "An Act To Update Maine's Family Law"

Amend the bill by inserting after the enacting clause the following:

'PART A'

Amend the bill by striking out all of section 2 and inserting the following:

'PART B'

Sec. B-1. 19-A MRSA §1551, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

Sec. B-2. 19-A MRSA §1552, as amended by PL 2005, c. 323, §10, is further amended to read:

§1552. Obligations of father

The father of a child ~~who is or may be born out of wedlock~~ is liable to the same extent as the father of a child born in wedlock, whether or not the child is born alive, for the reasonable expense of the mother's pregnancy and confinement and for the education, support and funeral expenses of the child.

Sec. B-3. 19-A MRSA §1553, first ¶, as amended by PL 1997, c. 537, §16 and affected by §62, is further amended to read:

~~Paternity may be determined upon the complaint of the mother, the alleged father, the child or the public authority chargeable by law with the support of the child.~~ If paternity has been determined or has been acknowledged according to the laws of this State, the liabilities of the father may be enforced in the same or other proceedings by the mother, the child or the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support or funeral expenses, and by other persons, including private agencies, to the extent that they have furnished the reasonable expenses

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1 of pregnancy, confinement, education, support or funeral expenses. Bills and records of
2 expenses paid for pregnancy, ~~child birth~~ childbirth and genetic testing are admissible as
3 evidence without requiring 3rd-party foundation testimony and are prima facie evidence
4 of amounts incurred for those services or for testing on behalf of the child. Chapter 63
5 applies to an award of past support, which is calculated by applying the current child
6 support guidelines to the period for which past support is owed.

7 **Sec. B-4. 19-A MRSA §1556**, as repealed and replaced by PL 2001, c. 471, Pt. A,
8 §23, is amended to read:

9 **§1556. Remedies**

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

18 **Sec. B-5. 19-A MRSA §1558**, as enacted by PL 1995, c. 694, Pt. B, §2 and
19 affected by Pt. E, §2, is repealed.

20 **Sec. B-6. 19-A MRSA §1559**, as enacted by PL 1995, c. 694, Pt. B, §2 and
21 affected by Pt. E, §2, is amended to read:

22 **§1559. Selection of experts**

23 The tests required by the court order under ~~section 1558~~ chapter 61, subchapter 6
24 must be made by experts qualified as examiners of blood or tissue types who are
25 appointed by the court. The experts may be called by the court as witnesses to testify to
26 their findings and may be subject to cross-examination by the parties. A party or person at
27 whose suggestion the tests have been ordered may demand that other experts, qualified as
28 examiners of blood or tissue types, perform independent tests under order of court, the
29 results of which may be offered in evidence. The court shall determine the number and
30 qualifications of those experts.

31 **Sec. B-7. 19-A MRSA §1560**, as enacted by PL 1995, c. 694, Pt. B, §2 and
32 affected by Pt. E, §2, is repealed.

33 **Sec. B-8. 19-A MRSA §1561**, as amended by PL 1997, c. 537, §18 and affected
34 by §62, is further amended to read:

35 **§1561. Effect of test results**

36 **1. Effect of results.** The results of the tests required pursuant to ~~section 1558~~
37 chapter 61, subchapter 6 are evidence to be used in determining paternity as follows.

38 ~~A. If the court finds that the conclusion of all the experts, as disclosed by the~~
39 ~~evidence based upon the tests, is that the alleged father is not the parent of the child,~~
40 ~~the question of paternity must be resolved accordingly.~~

1 B. If the experts disagree in their findings or conclusions, the question must be
2 submitted upon all the evidence.

3 ~~C. If the experts conclude that the blood or tissue tests show that the alleged father is~~
4 ~~not excluded and that the probability of the alleged father's paternity is less than 97%,~~
5 ~~this evidence must be admitted by the court and weighed with other competent~~
6 ~~evidence of paternity.~~

7 ~~D. If the experts conclude that the blood or tissue tests show that the alleged father is~~
8 ~~not excluded and that the probability of the alleged father's paternity is 97% or~~
9 ~~higher, the alleged father is presumed to be the father, and this evidence must be~~
10 ~~admitted.~~

11 ~~The court shall admit as evidence the results of any genetic test that is of a type generally~~
12 ~~acknowledged as reliable by accreditation bodies designated by the federal Secretary of~~
13 ~~the Department of Health and Human Services and performed by a laboratory approved~~
14 ~~by such an accredited body.~~

15 ~~2. Chain of custody; evidence.~~ Notarized documentation of the chain of custody of
16 ~~the blood and tissue samples is competent evidence to establish the chain of custody.~~

17 **3. Notarized reports; challenges.** A notarized report of the blood and tissue tests,
18 prepared by the appointed experts, must be admitted at trial, unless a written challenge to
19 the testing procedure or the results of the blood and tissue tests has been filed with the
20 court and delivered to opposing counsel at least 30 days before a hearing set to determine
21 the issue of paternity. Failure to make that timely challenge constitutes a waiver of the
22 right to have the experts appear in person and is not grounds for a continuance of the
23 hearing to determine paternity.

24 **Sec. B-9. 19-A MRSA §1562**, as enacted by PL 1995, c. 694, Pt. B, §2 and
25 affected by Pt. E, §2, is repealed.

26 **Sec. B-10. 19-A MRSA §1563, sub-§2**, as enacted by PL 1995, c. 694, Pt. B, §2
27 and affected by Pt. E, §2, is repealed.

28 **Sec. B-11. 19-A MRSA §1564**, as enacted by PL 1995, c. 694, Pt. B, §2 and
29 affected by Pt. E, §2, is repealed.

30 **Sec. B-12. 19-A MRSA §1565**, as amended by PL 2007, c. 164, §1, is further
31 amended to read:

32 **§1565. Judgment**

33 **1. Support.** Judgments under this subchapter may be for periodic payments that
34 may vary in amount. The court may order payments to be made to the person to whom
35 the support is owed or to the person, corporation or agency designated to administer
36 payments under the supervision of the court.

37 ~~2. Parental rights and responsibilities.~~ The court may order an initial allocation of
38 ~~parental rights and responsibilities.~~ The order of the court must provide notice that if
39 ~~either party objects to the allocation, that party may file a complaint pursuant to section~~
40 ~~1654 and that an order from that action supersedes this initial allocation of parental rights~~
41 ~~and responsibilities.~~ It is within the court's discretion to award or allocate parental rights

1 and responsibilities under this subchapter and the department is not a party to this issue.
2 In resolving parental rights and responsibilities issues, the court may not delay entering a
3 determination of paternity and an initial order concerning child support. After a final
4 paternity order has been entered, the department may file a motion to withdraw. Whether
5 or not the department has withdrawn, a party or a parent may file a motion to modify
6 pursuant to section 1653 or section 2009. A copy of the motion must be served in
7 accordance with the Maine Rules of Civil Procedure on the other parent and the
8 department, if the department has not withdrawn. A showing of substantial change in
9 circumstances is not required if the moving party has not previously appeared in the
10 action.

11 **3. Temporary support order.** Upon motion by a party to a contested paternity
12 action, the court shall issue a temporary child support order if the alleged father is
13 presumed to be the father as a result of genetic testing, as provided by Title 19-A, section
14 1561, subsection 1, paragraph D. The order must be determined according to the child
15 support guidelines as provided under chapter 63.

16 **4. Disclosure and recording of social security numbers.** A person who is a party
17 to a paternity action shall disclose that person's social security number to the court. The
18 social security number of a person who is subject to a judgment of paternity must be
19 placed in the court records relating to the judgment of paternity. The record of a person's
20 social security number is confidential and is not open to the public. The court shall
21 disclose a person's social security number to the department for child support
22 enforcement purposes.

23 **Sec. B-13. 19-A MRSA §1568**, as enacted by PL 1995, c. 694, Pt. B, §2 and
24 affected by Pt. E, §2, is repealed.

25 **Sec. B-14. 19-A MRSA §1570**, as enacted by PL 1995, c. 694, Pt. B, §2 and
26 affected by Pt. E, §2, is amended to read:

27 **§1570. Dismissals**

28 **1. Procedure.** ~~The rules of civil procedure apply to this subchapter in all cases of~~
29 ~~birth out of wedlock when the birth occurs after October 7, 1967.~~

30 **2. Dismissal without prejudice.** Dismissals of paternity actions must be without
31 prejudice in all cases except:

32 A. When an adjudication on the merits has occurred; or

33 B. When the department is a party to the action and the department consents to the
34 dismissal with prejudice.

35 **Sec. B-15. Maine Revised Statutes headnote amended; revision clause.** In
36 the Maine Revised Statutes, Title 19-A, chapter 53, subchapter 1, in the subchapter
37 headnote, the words "uniform act on paternity" are amended to read "paternity" and the
38 Revisor of Statutes shall implement this revision when updating, publishing or
39 republishing the statutes.

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PART C

Sec. C-1. 4 MRSA §183, sub-§1, ¶D, as amended by PL 2005, c. 384, §1, is further amended to read:

D. Family law magistrates shall employ appropriate case management techniques and have jurisdiction to hear and dispose of the following matters:

(1) Interim orders in actions involving the establishment, modification or enforcement of child support;

(2) Interim orders in actions involving divorce, legal separation, ~~paternity parentage~~ or parental rights, including interim orders in postjudgment proceedings arising out of these actions, except that a contested motion concerning interim parental rights and responsibilities, excluding interim child support orders, may be determined by the family law magistrate only if both parties consent to determination of the issue or issues in dispute by the family law magistrate;

(2-A) Parental rights and responsibilities and parent-child contact orders entered pursuant to Title 19-A, section 4006, subsection 5 and section 4007, subsection 1, paragraph G to make such orders consistent with subsequently entered orders in matters included in subparagraphs (1), (2) and (3);

(3) Final orders in any of the matters included in subparagraphs (1) and (2) when the proceeding is uncontested;

(4) Final orders in a contested proceeding when child support is the only contested issue;

(4-A) Applications for writs of habeas corpus to facilitate the attendance of proceedings by and return of a party who is incarcerated;

(4-B) Requests for access to confidential Department of Health and Human Services child protective records in accordance with Title 22, section 4008. The family law magistrate may review records in camera to determine whether to grant access; and

(5) Other actions assigned by the Chief Judge of the District Court.

Sec. C-2. 14 MRSA §704-A, sub-§2, ¶E, as amended by PL 1995, c. 694, Pt. D, §14 and affected by Pt. E, §2, is further amended to read:

E. Conception resulting in ~~paternity parentage~~ within the meaning of Title 19-A, chapter ~~53, subchapter I~~ 61;

Sec. C-3. 18-A MRSA §2-109, sub-§(2), as amended by PL 1987, c. 736, §37, is further amended to read:

(2). In cases not covered by ~~paragraph subsection (1), a person born out of wedlock is a child of the mother; that person is also a child of the father if:~~ legal parentage of a child is determined under Title 19-A, chapter 61.

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- 1 ~~(i). The natural parents participated in a marriage ceremony before or after the birth~~
- 2 ~~of the child, even though the attempted marriage is void; or~~
- 3 ~~(ii). The father adopts the child into his family; or~~
- 4 ~~(iii). The father acknowledges in writing before a notary public that he is the father~~
- 5 ~~of the child, or the paternity is established by an adjudication before the death of the~~
- 6 ~~father or is established thereafter by clear and convincing proof, but the paternity~~
- 7 ~~established under this subparagraph is ineffective to qualify the father or his kindred~~
- 8 ~~to inherit from or through the child unless the father has openly treated the child as~~
- 9 ~~his and has not refused to support the child.~~

10 **Sec. C-4. 18-A MRSA §5-101, sub-§(1-D)** is enacted to read:

11 (1-D). "Parent" means a person who has established a parent-child relationship with

12 the child under Title 19-A, chapter 61.

13 **Sec. C-5. 18-A MRSA §9-102, sub-§(h)**, as enacted by PL 1995, c. 694, Pt. C,

14 §7 and affected by Pt. E, §2, is amended to read:

15 ~~(h). "Parent" means the legal parent or the legal guardian when no legal parent~~

16 ~~exists; a person who:~~

17 (1). Has established a parent-child relationship with the child under Title 19-A,

18 chapter 61; or

19 (2). When no person described in paragraph (1) exists, is the legal guardian of the

20 child.

21 **Sec. C-6. 19-A MRSA §251, sub-§2**, as enacted by PL 1995, c. 694, Pt. B, §2

22 and affected by Pt. E, §2, is amended to read:

23 **2. Required mediation.** Except as provided in paragraph B, prior to a contested

24 hearing under chapter 27, chapter 29, chapter 55, chapter 61 or chapter 63 when there are

25 minor children of the parties, the court shall refer the parties to mediation.

26 A. For good cause shown, the court, prior to referring the parties to mediation, may

27 hear motions for temporary relief, pending final judgment on an issue or combination

28 of issues for which good cause for temporary relief has been shown.

29 B. Upon motion supported by affidavit, the court may, for extraordinary cause

30 shown, waive the mediation requirement under this subsection.

31 **Sec. C-7. 19-A MRSA §606, first ¶**, as enacted by PL 1995, c. 694, Pt. B, §2 and

32 affected by Pt. E, §2, is amended to read:

33 Except as otherwise provided in this section, an effective premarital agreement is

34 void 18 months after the parties to the agreement become ~~biological or adoptive~~ parents

35 or guardians of a minor. The premarital agreement is not void if, within the 18-month

36 period, the parties sign a written amendment to the agreement either stating that the

37 agreement remains in effect or altering the agreement. Sections 607 and 608 apply to any

38 amendment under this section.

39 **Sec. C-8. 19-A MRSA §1503**, as enacted by PL 1995, c. 694, Pt. B, §2 and

40 affected by Pt. E, §2, is repealed.

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1 **Sec. C-9. 19-A MRSA §1601, sub-§1, ¶B**, as enacted by PL 1995, c. 694, Pt. B,
2 §2 and affected by Pt. E, §2, is amended to read:

3 B. A man who is presumed to be a child's father under ~~the Maine Rules of Evidence,~~
4 ~~Rule 302~~ chapter 61.

5 **Sec. C-10. 19-A MRSA §1605, sub-§2, ¶G**, as enacted by PL 1995, c. 694, Pt.
6 B, §2 and affected by Pt. E, §2, is amended to read:

7 G. An allegation that the alleged father engaged in sexual intercourse with the child's
8 mother during a possible time of conception of the child or is a man who is presumed
9 to be the child's father under state law, and that the alleged father is or may be the
10 ~~biological~~ genetic father of the child;

11 **Sec. C-11. 19-A MRSA §1605, sub-§2, ¶J**, as enacted by PL 1995, c. 694, Pt.
12 B, §2 and affected by Pt. E, §2, is amended to read:

13 J. A statement that if the alleged father files a written denial of paternity:

14 (1) The department will provide an expert examiner of blood or tissue types to
15 conduct blood or tissue-typing tests on the mother, child and alleged father and
16 the tests will be conducted as follows.

17 (a) The alleged father is required to submit to tests, which may include, but
18 are not limited to, tests of red cell antigens, red cell isoenzymes, human
19 leukocyte antigens and serum proteins.

20 (b) The department will pay the initial cost of the tests.

21 (c) An indigent alleged father is not liable for reimbursement of the cost of
22 the tests;

23 (2) If the alleged father refuses to submit to tests under subparagraph (1), the
24 proceeding will be filed in a court as a paternity proceeding;

25 (3) If the alleged father is not excluded by the test results and he does not, within
26 15 days of the ordinary mailing to him of a report and copy of the blood or tissue-
27 typing results, execute and deliver to the department an acknowledgment of
28 paternity of the child in accordance with the laws of the state in which the child
29 was born, the proceeding will be filed in a court as a paternity proceeding; and

30 (4) If the alleged father is excluded by the test results as the ~~biological~~ genetic
31 father of the child, the proceeding will be filed in a court ~~as a paternity~~
32 ~~proceeding~~ for disposition under ~~section 1561, subsection 1, paragraph A~~ chapter
33 61;

34 **Sec. C-12. 19-A MRSA §1606, sub-§1**, as enacted by PL 1995, c. 694, Pt. B, §2
35 and affected by Pt. E, §2, is amended to read:

36 **1. Establish as genetic father.** Establish the alleged father as the ~~biological~~ genetic
37 father of the child;

38 **Sec. C-13. 19-A MRSA §1606, sub-§8**, as enacted by PL 1995, c. 694, Pt. B, §2
39 and affected by Pt. E, §2, is amended to read:

1 **8. Other relief.** Grant such other relief as the court determines just and proper,
2 including an initial allocation of parental rights and responsibilities as allowed by section
3 ~~1565~~ 1840.

4 **Sec. C-14. 19-A MRSA §1611**, as enacted by PL 1995, c. 694, Pt. B, §2 and
5 affected by Pt. E, §2, is amended to read:

6 **§1611. Refusal of alleged father to submit to blood or tissue-typing tests**

7 **1. Filing of record in court.** If the alleged father denies paternity and subsequently
8 fails to submit to blood or tissue-typing testing, the record may be filed in court as a
9 paternity action and the department may seek an adjudication of paternity pursuant to
10 section ~~1558~~ 1914. The alleged father's refusal to submit to a blood or tissue-typing test
11 constitutes a refusal to submit under section ~~1558~~ 1914. The filing of the record, along
12 with proof of service pursuant to section 1604, constitutes compliance with the Maine
13 Rules of Civil Procedure, Rule 3(1).

14 **2. Notice of filing.** The department shall send to the alleged father by ordinary mail
15 notice of the filing of the paternity proceeding and a request under section ~~1558~~ 1911.
16 Within 20 days of the mailing of this notice, the alleged father may assert any defense, in
17 law or fact.

18 **3. Request for default judgment or order.** The department shall forward to the
19 alleged father by ordinary mail a copy of any request for a default judgment or an order
20 pursuant to section ~~1558~~ 1911 or 1914. If the alleged father does not notify the court in
21 writing within 20 days of the date the department's request was mailed that he opposes
22 the relief requested by the department, the court may grant the relief requested without a
23 hearing. Any notice mailed must contain the substance of this section.

24 **Sec. C-15. 19-A MRSA §1612, sub-§§2 and 3**, as enacted by PL 1995, c. 694,
25 Pt. B, §2 and affected by Pt. E, §2, are amended to read:

26 **2. Exclusion of alleged father.** If the alleged father is excluded by the test results as
27 the ~~biological genetic~~ father of the child, the department may file the record of the
28 proceeding in a court as ~~a paternity proceeding~~ for disposition under section ~~1561,~~
29 ~~subsection 1, paragraph A~~ 1915.

30 **3. Nonexclusion of alleged father.** If the alleged father is not excluded by the test
31 results and he does not, within 15 days of the mailing to him of a copy of the blood or
32 tissue-typing test results and report, execute and deliver to the department by ordinary
33 mail an acknowledgment of paternity of the child in accordance with the laws of the state
34 in which the child was born, the department may file the record of the proceeding,
35 including the blood or tissue-typing test results, in a court as a paternity proceeding.
36 ~~Section 1561 applies~~ Sections 1903, 1904 and 1913 apply to the action even though the
37 tests were performed and the results prepared as part of an administrative proceeding.
38 The alleged father's participation in the tests may not prejudice any application by the
39 alleged father under section ~~1559~~ 1906 for an order appointing an additional examiner of
40 blood or tissue types.

41 **Sec. C-16. 19-A MRSA §1616**, as reallocated by RR 1997, c. 1, §15, is repealed.

1 **Sec. C-17. 19-A MRSA §1651**, as enacted by PL 1995, c. 694, Pt. B, §2 and
2 affected by Pt. E, §2, is amended to read:

3 **§1651. Parents joint natural guardians of children**

4 The ~~father and mother~~ parents are the joint natural guardians of their minor children
5 and are jointly entitled to the care, custody, control, services and earnings of their
6 children. Neither parent has any rights paramount to the rights of the other with reference
7 to any matter affecting their children.

8 **Sec. C-18. 19-A MRSA §1654, first ¶**, as amended by PL 1999, c. 731, Pt. ZZZ,
9 §34 and affected by §42, is further amended to read:

10 If the ~~father and mother~~ parents of a minor child are living apart, the Probate Court or
11 District Court in the county or division where either resides, upon complaint of either and
12 after notice to the other as the court may order, may make an order awarding parental
13 rights and responsibilities with respect to the child in accordance with this chapter.

14 **Sec. C-19. 19-A MRSA §1802, sub-§1**, as enacted by PL 1995, c. 694, Pt. B, §2
15 and affected by Pt. E, §2, is amended to read:

16 **1. Grandparent.** "Grandparent" is a ~~biological or adoptive~~ parent of a child's
17 ~~biological or adoptive~~ parent. "Grandparent" includes a ~~biological or adoptive~~ parent of a
18 child's ~~biological or adoptive~~ parent whose parental rights have been terminated pursuant
19 to Title 18-A, section 9-204 or Title 22, chapter 1071, subchapter ~~VI~~ 6, but only until the
20 child's adoption.

21 **Sec. C-20. 19-A MRSA §2101, sub-§§3 and 12**, as enacted by PL 1995, c. 694,
22 Pt. B, §2 and affected by Pt. E, §2, are amended to read:

23 **3. Custodial parent.** "Custodial parent" means a ~~natural or adoptive~~ parent,
24 caretaker relative or legal custodian of a dependent child who is the child's primary
25 residential care provider.

26 **12. Responsible parent.** "Responsible parent" means the ~~natural or adoptive~~ parent
27 of a dependent child.

28 **Sec. C-21. 19-A MRSA §2202, sub-§1**, as enacted by PL 1995, c. 694, Pt. B, §2
29 and affected by Pt. E, §2, is amended to read:

30 **1. Purpose.** The Legislature finds and declares that child support is a basic legal
31 right of the State's parents and children, that ~~mothers and fathers~~ parents have a legal
32 obligation to provide financial support for their children and that child support payments
33 can have a substantial impact on child poverty and state welfare expenditures. It is
34 therefore the Legislature's intent to encourage payment of child support to decrease
35 overall costs to the State's taxpayers while increasing the amount of financial support
36 collected for the State's children. The department is authorized to initiate action under
37 this section against individuals who are not in compliance with an order of support.

38 **Sec. C-22. 19-A MRSA §2253, sub-§2, ¶B**, as enacted by PL 1995, c. 694, Pt.
39 B, §2 and affected by Pt. E, §2, is amended to read:

40 B. Conception resulting in paternity parentage within the meaning of chapter ~~53~~,
41 subchapter I 61.

R.O.F.S

1 **Sec. C-23. 19-A MRSA §3051, sub-§2, ¶F**, as enacted by PL 2003, c. 436, §28,
2 is amended to read:

3 F. An acknowledged father of the child as provided in Title 19-A, ~~section 1616~~
4 chapter 61, subchapter 3;

5 **Sec. C-24. 19-A MRSA §4002, sub-§4**, as amended by PL 2013, c. 478, §7, is
6 further amended to read:

7 **4. Family or household members.** "Family or household members" means spouses
8 or domestic partners or former spouses or former domestic partners, individuals presently
9 or formerly living together as spouses, ~~natural~~ parents of the same child, adult household
10 members related by consanguinity or affinity or minor children of a household member
11 when the defendant is an adult household member and, for the purposes of Title 15,
12 section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and
13 Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only,
14 includes individuals presently or formerly living together and individuals who are or were
15 sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living
16 as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried
17 adults who are domiciled together under long-term arrangements that evidence a
18 commitment to remain responsible indefinitely for each other's welfare.

19 **Sec. C-25. 22 MRSA §2761, sub-§3-A**, as enacted by PL 1995, c. 260, §6, is
20 amended to read:

21 **3-A. Parentage.** For the purposes of birth registration, the mother is deemed to be
22 the woman who gives birth to the child, unless otherwise determined by a court of
23 competent jurisdiction prior to the filing of the birth certificate or unless an attested copy
24 of a gestational carrier agreement as defined in Title 19-A, section 1832, subsection 11 is
25 presented that provides otherwise. If the mother was married at the time of either
26 conception or birth, or between conception and birth, the name of the ~~husband~~ spouse
27 must be entered on the certificate as the ~~father~~ parent of the child, unless ~~paternity~~
28 parentage has been determined otherwise by a court of competent jurisdiction or unless
29 an attested copy of a gestational carrier agreement is presented that provides otherwise.

30 **Sec. C-26. 22 MRSA §4002, sub-§7**, as enacted by PL 1979, c. 733, §18, is
31 amended to read:

32 **7. Parent.** "Parent" means a natural or adoptive parent or a parent established under
33 Title 19-A, chapter 61, unless parental rights have been terminated.

34 **Sec. C-27. 22 MRSA §4005-F, first ¶**, as enacted by PL 2007, c. 257, §1, is
35 amended to read:

36 As part of a child protection proceeding, the District Court may determine parentage
37 of the child. Title 19-A, ~~sections 1558 to 1564 apply~~ chapter 61 applies to determinations
38 of parentage in a child protection proceeding.

39 **Sec. C-28. 22 MRSA §4031, sub-§3**, as corrected by RR 1999, c. 1, §29, is
40 amended to read:

41 **3. Scope of authority.** The court shall consider and act on child protection petitions
42 regardless of other decrees regarding a child's care and custody. The requirements and

1 provisions of Title 19-A, chapter 58 do not apply to child protection proceedings. If
2 custody or parentage is an issue in another pending proceeding, the proceedings may be
3 consolidated in the District Court with respect to the issue of custody issue, parentage or
4 both. In any event, the court shall make an order on the child protection petition in
5 accordance with this chapter. That order takes precedence over any prior order regarding
6 the child's care and custody.

7 **Sec. C-29. 22 MRSA §4036, sub-§2-A** is enacted to read:

8 **2-A. Determination of parentage.** In a protection order or in a judicial review
9 order, the court may determine the parentage of the child. The court's determination of
10 the child's parentage must be made pursuant to Title 19-A, chapter 61 and has the same
11 legal effect as a determination of parentage made pursuant to that chapter.

12 PART D

13 **Sec. D-1. Effective date.** This Act takes effect July 1, 2016.'

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
15 section number to read consecutively.

16 SUMMARY

17 This amendment makes changes in the Maine Revised Statutes, Titles 4, 18-A, 19-A
18 and 22 to conform to the Maine Parentage Act enacted in the bill. This amendment
19 designates the content of the bill as Part A and adds Part B, Part C and Part D.

20 Part B consists of amendments to Title 19-A, chapter 53, subchapter 1, currently
21 named the "Uniform Act on Paternity." The bill enacts Title 19-A, chapter 61, which
22 replaces certain provisions in chapter 53, subchapter 1, and Part B repeals the provisions
23 and sections that are no longer necessary. Part B amends certain provisions in chapter 53,
24 subchapter 1, and the subchapter will still be used to establish paternity as required by
25 federal law as necessary to determine responsibility for child support. The headnote for
26 subchapter 1 is changed to "Paternity."

27 Part C makes changes to Title 4, Title 14, Title 18-A, Title 19-A and Title 22 to
28 update cross-references and terminology to be consistent with Title 19-A, chapter 61.

29 This amendment retains section 2 of the bill as Part D, which establishes the effective
30 date of this legislation as July 1, 2016.

31 FISCAL NOTE REQUIRED

32 (See attached)



Approved: 05/14/15 *MAC*

127th MAINE LEGISLATURE

LD 1017

LR 310(02)

An Act To Update Maine's Family Law

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-254)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil suits.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.