

MAINE STATE LEGISLATURE

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Majority

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L.D. 1477

Date: 3-24-16

(Filing No. S-436)

JUDICIARY

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STATE OF MAINE

SENATE

127TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 575, L.D. 1477, Bill, "An Act To Protect Victims of Sexual Assault"

Amend the bill in section 1 in §1658 by striking out all of the first indented paragraph (page 1, lines 6 to 8 in L.D.) and inserting the following:

'This section applies to the termination of parental rights and responsibilities with respect to a specific child conceived as a result of an act of sexual assault by the parent of that child.'

Amend the bill in section 1 in §1658 by striking out all of subsection 3 (page 1, lines 18 to 21 in L.D.) and inserting the following:

'3. Termination. Except as provided in subsection 4, if the petitioner proves the allegation in subsection 2, paragraph A by a preponderance of the evidence, the court shall terminate the parental rights and responsibilities of the parent. If the petitioner proves the allegation in subsection 2, paragraph B by clear and convincing evidence, the court may terminate the parental rights and responsibilities of the parent.'

Amend the bill in section 2 by striking out all of subsection 1-B (page 1, lines 30 to 37 in L.D.) and inserting the following:

'1-B. Conception by sexual assault as grounds for termination. The court may order termination of parental rights if the court finds, based on clear and convincing evidence, that the child was conceived as a result of an act by the parent of sexual assault or a comparable crime in another jurisdiction. For purposes of this subsection, "sexual assault" has the same meaning as in Title 17-A, section 253, 254 or 556. A guilty plea or conviction for sexual assault is considered clear and convincing evidence for purposes of this subsection.'

SUMMARY

This is the majority report of the Joint Standing Committee on Judiciary.

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to S.P. 575, L.D. 1477

1 This amendment allows a court, instead of requires as in the bill, to terminate the
2 parental rights of a person if the court finds by clear and convincing evidence that the
3 child was conceived as a result of an act of sexual assault by that person. The amendment
4 applies the same standard in the child protection laws.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 1477

LR 2347(02)

An Act To Protect Victims of Sexual Assault

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-436)
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil suits.