

MAINE STATE LEGISLATURE

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Date: 6/6/17

Minority

L.D. 472

(Filing No. H-441)

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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 335, L.D. 472, Bill, "An Act Regarding Parental Rights"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 19-A MRSA §1651, as amended by PL 2015, c. 296, Pt. C, §17 and affected by Pt. D, §1, is repealed and the following enacted in its place:

§1651. Rights of parents

1. Parents joint natural guardians of children. The parents are the joint natural guardians of their minor children and are jointly entitled to the care, custody, control, services and earnings of their children. Neither parent has any rights paramount to the rights of the other with reference to any matter affecting their children.

2. Fundamental liberty interest. A parent has a fundamental liberty interest in directing the care, custody and control of the parent's child.

3. Government interference. The State or any political subdivision of the State may not infringe the liberty interest in subsection 2 unless that infringement is justified by a compelling state interest and narrowly tailored to achieve that compelling state interest through the least restrictive means necessary.'

SUMMARY

This amendment, which is the minority report of the committee, strikes the portion of the bill requiring a court to order shared parental rights and responsibilities in a divorce or parental rights and responsibilities proceeding unless it finds a compelling state interest to justify an alternative arrangement. The amendment instead provides that the State or a political subdivision of the State may not infringe a parent's fundamental right to direct the care, custody and control of the parent's child unless the infringement is justified by a compelling state interest and narrowly tailored to achieve that compelling state interest through the least restrictive means necessary.

COMMITTEE AMENDMENT