

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

Be it enacted by the People of the State of Maine as follows:

9-B MRSA §251, as repealed and replaced by PL 1977, c. 694, §158, is amended to read:

§251. Rulemaking

Promulgation of rules or regulations of the bureau, and amendments thereto, shall conform to the requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II. Within 5 days of promulgation, notice of the rule, regulation or amendment adopted by the superintendent setting forth a concise, general statement of the content, purpose and origin of the rule, regulation or amendment, together with a statement that copies of the rule, regulation or amendment are available to the public at cost, shall be published by the superintendent in those newspapers in which the notice of rule-making required by the Maine Administrative Procedure Act was published. Unless the superintendent shall specify a later date in the final notice relating thereto, the effective date of any rule, regulation or amendment shall be 30 days after its promulgation, provided the requirements of Title 5, section 8056 have been met. The superintendent may waive all or part of the 30-day waiting period following promulgation of any rule, regulation or amendment, if the superintendent determines that extraordinary or unusual conditions exist which warrant that action. The superintendent shall set forth in writing the circumstances and reasons for his waiving all or part of the 30-day waiting period.

Effective September 23, 1983.

CHAPTER 183

H.P. 889 - L.D. 1154

AN ACT to Establish Clearer Guidelines
for Guardians Ad Litem Appointed under the
Child and Family Services and Child
Protection Act.

Be it enacted by the People of the State of Maine as follows:

22 MRSA §4005, sub-§1, as enacted by PL 1979, c. 733, §18, is repealed and the following enacted in its place:

1. Child; guardian ad litem. The following provisions shall govern guardians ad litem.

A. The court, in every child protection proceeding except a request for a preliminary protection order under section 4034 or a petition for medical treatment under section 4071, shall appoint a guardian ad litem for the child. His reasonable costs and expenses shall be paid by the District Court. The appointment shall be made as soon as possible after the proceeding is initiated.

B. The guardian ad litem shall act in pursuit of the best interests of the child. He shall be given access to all reports and records relevant to the case. He shall investigate to ascertain the facts. His investigation shall include, where possible and appropriate, the following:

(1) Review of relevant mental health records and materials;

(2) Review of relevant medical records;

(3) Review of relevant school records and other pertinent materials;

(4) Interviews with the child with or without other persons present; and

(5) Interviews with parents, foster parents, teachers, caseworkers and other persons who have been involved in caring for or treating the child.

C. The guardian ad litem may subpoena, examine and cross-examine witnesses and shall make a recommendation to the court.

D. The guardian ad litem shall make a written report of his investigation, findings and recommendations, and shall provide a copy of his report to each of the parties reasonably in advance of the hearing, and to the court on consent of all parties, except that he need not provide a written report prior to a hearing on a preliminary protection order.

E. The guardian ad litem shall make the wishes of the child known to the court if the child has expressed his wishes, regardless of the recommendation of the guardian ad litem.