

# 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.

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

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**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

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order may be waived need not be held, except as provided in subsection 4.

Sec. 4. 22 MRSA §4034, sub-§4, as enacted by PL 1979, c. 733, §18, is amended to read:

4. Preliminary hearing. ~~If there is no consent~~ the custodial parent appears and does not consent, or if a noncustodial parent requests a hearing, then the court shall hold a preliminary hearing on that order within 10 days of its issuance or request, unless all parties agree to a later date. The petitioner shall bear the burden of proof. If, after the hearing, the court finds, by a preponderance of the evidence, that returning the child to his custodian would place him in immediate risk of serious harm, it shall continue the order or make another disposition under section 4036.

Sec. 5. 22 MRSA §4035, sub-§3, as enacted by PL 1979, c. 733, §18, is amended to read:

3. Grounds for disposition. If the court determines that the child is in circumstances of jeopardy to his health or welfare, the court ~~may~~ shall hear any relevant evidence regarding proposed dispositions, including written or oral reports, recommendations or case plans. The court ~~may~~ shall then make an a written order of any disposition under section 4036. If possible, this dispositional phase shall be conducted immediately after the adjudicatory phase. Written materials to be offered as evidence shall be made available to each party's counsel and the guardian ad litem reasonably in advance of the dispositional phase.

Effective September 23, 1983.

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## CHAPTER 185

H.P. 892 - L.D. 1157

AN ACT to Promote Early Permanency for  
Children Subject to a Protection Order.

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

22 MRSA §4038, as amended by PL 1981, c. 369, §12, is repealed and the following enacted in its place:

§4038. Mandated review; review on motion

1. Mandated review. If a court has made a final protection order, it shall review the case at least once within 18 months of the final protection order and at least every 2 years thereafter, unless the child has been emancipated or adopted.

2. Review on motion. The court, the child's parent or custodian, or a party to the proceeding, except a parent whose rights have been terminated under subchapter VI, may move for judicial review.

3. Notice of review. Notice of the reviews shall be to all parties to the initial proceeding according to District Court Civil Rule 4. Notice shall not be given to a parent whose rights have been terminated under subchapter VI.

4. Disposition. The court may hear evidence and make any further order, based on a preponderance of the evidence, that is authorized under section 4036. The court may consider events occurring since the original order and the effect of a change in custody on the child.

Effective September 23, 1983.

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## CHAPTER 186

H.P. 1074 - L.D. 1406

### AN ACT Concerning Registration of Deer in Unorganized Territories.

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

12 MRSA §7458, sub-§15, ¶G, as amended by PL 1979, c. 723, §19-B, is repealed and the following enacted in its place:

G. Notwithstanding the provisions of subsection 4-A:

(1) A person on a hunting trip in an unorganized township and staying at a temporary place of lodging may keep an unregistered deer at that temporary place of lodging for a period not to exceed 7 days or until he leaves the woods, whichever comes first; and