

# 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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C. After reasonable investigation by the State Purchasing Agent, it appears that any required unit or item of supply, or brand of such unit or item, is procurable by the State from only one source; or

Sec. 2. 5 MRSA §1816, sub-§2, ¶D is enacted to read:

D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 29, 1983.

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## CHAPTER 195

H.P. 1091 - L.D. 1433

### AN ACT Concerning Visitation Rights for Parents and 3rd Persons with Children Involved in Divorce or Custody Proceedings.

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

Sec. 1. 19 MRSA §214, first ¶, as amended by PL 1981, c. 174, §1, is further amended to read:

If the father and mother of a minor child are living apart from each other, the judge of probate or the Superior Court Justice or the District Court in the county where either resides, on complaint of either and after such notice to the other as he may order, may decree which parent shall have the exclusive care and custody of the person of such that minor, may apportion the care and custody of the said minor between the parents or may decree that the parents shall have joint custody of the minor, as the good of the child may require. The court may order reasonable rights of visitation with the minor child to a parent of the child, to any 3rd persons, or to both. The court shall not consider abandonment of the family residence as a factor in determining custodial rights when the abandoning party has been physically harmed or seriously threatened with physical harm by his spouse, when that harm or threat of harm by his spouse was causally related to the abandonment. He may order either parent of the minor

child or children to contribute to the support of that minor child or children sums payable weekly, monthly or quarterly as are deemed reasonable and just and may enforce obedience by appropriate decrees, execution issuing for those sums when payable and for costs, which decrees shall be in force until further order of the judge or justice. An appeal shall lie from such decree or decrees to the Supreme Court of Probate, where originating in the Court of Probate, or to the Supreme Judicial Court where originating in the Superior Court, or to the Superior Court where originating in the District Court, but the original decrees shall be in force until reversed.

Sec. 2. 19 MRSA §581, as repealed and replaced by PL 1979, c. 540, §30, is amended to read:

§581. Spouse deserted or living apart

If a married person, without just cause, deserts his spouse or if his spouse, for just cause, is actually living apart from him, and if such that desertion or living apart has continued for a period of at least 60 days immediately prior to the filing of the petition, the court may, upon the spouse's petition, or if he is mentally ill, upon the petition of his guardian or next friend, enter a decree that such the spouse is so deserted or is so living apart and may prohibit the other spouse from imposing any restraint on the petitioner's personal liberty during such time as the court shall by order direct. Upon the petition of either spouse, or of the guardian or next friend of either who may be mentally ill, the court may make further orders relative to the care, custody and support of the minor children of the parties, may determine with which of their parents such the children or any of them shall remain, may order either spouse to pay to the court for the other spouse sufficient money for the prosecution of such that petition, and may from time to time, upon a similar petition, revise or alter any such order and make a new order in lieu thereof, as the circumstances of the parties or such the minor children or any of them may require, and may enforce obedience by appropriate process. The court may order reasonable rights of visitation with the minor children or any of them to a parent of the child or children, to any 3rd persons, or to both. An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the children or an order to provide a policy or contract for coverage of such those expenses. Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support. Nothing in this section shall

may preclude the court from incarcerating a spouse for nonpayment of child support, alimony or attorney's fees in violation of a court order to do so.

Sec. 3. 19 MRSA §752, first ¶, as amended by PL 1981, c. 174, §2, is further amended to read:

The court making an order of nullity or of divorce may make an order concerning the care, custody and support of the minor children of the parties and may decree which parent shall have exclusive care and custody of any of the minor children, may apportion the care and custody of any of the minor children between the parents, may decree that the parents shall have joint custody of any of the minor children, or may grant the care and custody of those children to a 3rd person or to some suitable society or institution for the care and protection of children or to the Department of Human Services. The court may order reasonable rights of visitation to a parent of any of the minor children, to any 3rd persons, or to both. The court shall not consider abandonment of the family residence as a factor in determining custodial rights when the abandoning party has been physically harmed or seriously threatened with physical harm by his spouse, when that harm or threat of harm by his spouse was causally related to the abandonment. An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the children or an order to provide a policy or contract for coverage of ~~such~~ those expenses. Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support. It may alter its order concerning the care, custody and support of the minor children from time to time as circumstances require, whether or not either parent be then living, upon motion of either party, such society or institution as aforesaid, the Department of Human Services, any 3rd person to whom care or custody has been granted, any blood relative or any person standing in loco parentis to ~~said~~ the minor children; change the name of the wife, at her request; and in execution of the powers given it under this Title may employ any compulsory process which it deems proper, by execution, attachment or other effectual form, on which costs shall be taxed as in other actions. The court may enforce an order as provided under chapter 14.

Effective September 23, 1983.

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