

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

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  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

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budget which the voters failed to approve. The board may continue in this manner until an alternative budget is adopted.

Effective July 25, 1984.

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## CHAPTER 771

S.P. 778 - L.D. 2097

### AN ACT to Ensure Universal Telephone Service for Maine People.

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

35 MRSA §74 is enacted to read:

§74. Rates to ensure universal telephone service

The Legislature declares and finds that the 50-year effort to bring affordable, universally available telephone service to the public has served the State well; universal telephone service has contributed to the state's economic, social and political integration and development; the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the State can be called; significant rate increase may threaten universal service by forcing some Maine people to discontinue their telephone service. It is the policy of the State that telephone service shall continue to be universally available, especially to the poor, at affordable rates.

Effective July 25, 1984.

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## CHAPTER 772

H.P. 1637 - L.D. 2166

### AN ACT to Promote Family Permanency.

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

Sec. 1. 19 MRSA §532-C, 6th ¶, as repealed and replaced by PL 1981, c. 369, §6, is amended to read:

If, after a hearing, the judge finds that the putative father is the natural father but that, based on clear and convincing evidence, that parent is unwilling or unable to protect the child from jeopardy and these circumstances are unlikely to change within a time which is reasonably calculated to meet the child's needs, or has ~~willfully~~ abandoned the child, or has ~~refused been unwilling or unable~~ to take responsibility for the child within a time which is reasonably calculated to meet the child's needs, and the circumstances are unlikely to change in a reasonable time, he shall rule, if it appears to be in the best interest of the child, that the natural father has not established parental rights to that child and has abandoned the child, and that only the mother of the illegitimate child must consent to the adoption of that child or execute a surrender and release for the purpose of adoption of that child.

Sec. 2. 19 MRSA §532-C, 7th ¶, as amended by PL 1983, c. 324, is further amended to read:

If the judge finds that the putative father is the natural father and that he is willing and able to protect the child from jeopardy, and has not ~~willfully~~ abandoned the child, and ~~has not refused is~~ willing and able to take responsibility for the child, he may rule, if it appears to be in the best interest of the child, that the natural father has established parental rights to that child. The natural father may then either consent to the adoption of the child or execute a surrender and release for the purpose of adoption of the child. If the natural father will not either consent to the adoption of the child or execute a surrender and release for the purpose of adoption of the child, the judge may grant the exclusive care and custody of the child to the natural father.

Sec. 3. 22 MRSA §4006, as enacted by PL 1979, c. 733, §18, is amended to read:

#### §4006. Appeals

A party aggrieved by an order of a court under this chapter, except an order entered pursuant to subchapter VI, may appeal to the Superior Court in accordance with the District Court Civil Rules.

Any appeal from an order of the court under subchapter VI shall lie directly to the Supreme Judicial

Court sitting as the Law Court. Appeals from an order under subchapter VI shall be governed by the Maine Rules of Civil Procedure, chapter 9.

Appeals from any order under this chapter shall be expedited. Any attorney appointed to represent a party in a District Court proceeding under this chapter shall continue to represent that client in any appeal unless otherwise ordered by the court.

Sec. 4. 22 MRSA §4007, sub-§4 is enacted to read:

4. Interstate Compact on Placement of Children. The provisions of the Interstate Compact on Placement of Children, sections 4191 to 4247, shall apply to proceedings under this chapter. Any report submitted pursuant to the compact shall be admissible in evidence for purposes of indicating compliance with the compact and the court may rely on evidence to the extent of its probative value.

Sec. 5. 22 MRSA §4041, sub-§1, as enacted by PL 1979, c. 733, §18, is repealed and the following enacted in its place:

1. Rehabilitation and reunification. When a child has been ordered into the custody of the department under this chapter or under Title 19, section 214 or section 752, the responsibility for reunification and rehabilitation of the family shall be shared as follows.

A. The department shall:

(1) Develop a rehabilitation and reunification plan which shall include the following:

(a) The reasons for the child's removal;

(b) Any changes which must occur for the child to return home;

(c) Rehabilitation services which must be completed satisfactorily prior to the return home;

(d) Services available to assist the parents in rehabilitating and reunifying with the child, including reasonable transportation within the area in which the child is located for

visits if the parents are unable to afford that transportation;

(e) A schedule of visits between the child and the parents when visits are not detrimental to the child's best interests, including any special conditions under which the visits shall take place;

(f) A reasonable time schedule for proposed reunification which is reasonably calculated to meet the child's needs; and

(g) A delineation of the financial responsibilities of the parents and the department during the reunification process;

(2) Provide the parents with prompt written notice of the following, unless that notice would be detrimental to the best interests of the child:

(a) The child's residence and, when practicable, at least 7 days' advance written notice of a planned change of residence; and

(b) Any serious injuries, major medical care received or hospitalization of the child;

(3) Make good faith efforts to cooperate with the parents in the development and pursuit of the plan;

(4) Periodically review with the parents the progress of the reunification plan and make any appropriate changes in that plan;

(5) Petition for judicial review and return of custody of the child to his parents at the earliest appropriate time; and

(6) Petition for termination of parental rights at the earliest possible time that it is determined that family reunification efforts will be discontinued pursuant to subsection 2 and that termination is in the best interests of the child;

B. Parents are responsible for rectifying and resolving problems which prevent the return of the child to the home and shall take part in a reasonable rehabilitation and reunification plan and shall:

(1) Maintain meaningful contact with the child pursuant to the reunification plan. When a parent has left the area where the child has been placed, this shall include making arrangements to visit the child at or near his placement;

(2) Seek and utilize appropriate services to assist in rehabilitating and reunifying with the child;

(3) Pay reasonable sums toward the support of the child within the limits of their ability to pay;

(4) Maintain contact with the department, including prompt written notification to the department of any change of address; and

(5) Make good faith efforts to cooperate with the department in developing and pursuing the plan; and

C. Where the parties cannot agree as to contents of a reasonable rehabilitation and reunification plan, any party may file a motion for judicial review pursuant to section 4038. At the review, the court shall review the proposed plans of either party and shall order reasonable reunification plans as it deems necessary.

Sec. 6. 22 MRSA §4041, sub-§2, as enacted by PL 1979, c. 733, §18, is repealed and the following enacted in its place:

2. Discontinuation of rehabilitation and reunification efforts. The following provisions shall govern discontinuation of rehabilitation and reunification efforts.

A. The department may discontinue efforts with either parent when:

(1) The parent is willing to consent to termination of his parental rights;

(2) The parent cannot be located; or



(3) The parent is unwilling or unable to rehabilitate and reunify with the child.

B. When the department discontinues efforts to return the child to a parent, it shall give written notice of this decision to that parent at his last known address. This notice shall include the specific reasons for the department's decision, the specific efforts the department has made in working with the parent and child and a statement of the parent's rights under section 4038. This notice requirement may be met by service of a copy of a petition to terminate parental rights under subchapter VI.

C. If the department discontinues efforts to return the child to a parent, but does not seek termination of parental rights, then subsection 1, paragraphs A and B, shall still apply.

Sec. 7. 22 MRSA c. 1059, sub-c. VI, §4050 is enacted to read:

§4050. Purpose

Recognizing that instability and impermanency are contrary to the welfare of children, it is the intent of the Legislature that this subchapter:

1. Termination of parental rights. Allow for the termination of parental rights at the earliest possible time after rehabilitation and reunification efforts have been discontinued and termination is in the best interest of the child;

2. Return to family. Eliminate the need for children to wait unreasonable periods of time for their parents to correct the conditions which prevent their return to the family;

3. Adoption. Promote the adoption of children into stable families rather than allowing children to remain in the impermanency of foster care; and

4. Protect interests of child. Be liberally construed to serve and protect the best interests of the child.

Sec. 8. 22 MRSA §4055, sub-§1, ¶B, as amended by PL 1981, c. 369, §16, is further amended to read:

B. Either:

(1) The parent consents to the termination. Consent shall be written and voluntarily and

knowingly executed in court before a judge. The judge shall explain the effects of a termination order; or

(2) The court finds, based on clear and convincing evidence, that:

(a) The parent is unwilling or unable to protect the child from jeopardy or has willfully abandoned the child or has refused to take responsibility for the child; Termination is in the best interest of the child; and

(b) The circumstances are unlikely to change in a reasonable time; and Either:

(i) The parent is unwilling or unable to protect the child from jeopardy and these circumstances are unlikely to change within a time which is reasonably calculated to meet the child's needs;

(ii) The parent has been unwilling or unable to take responsibility for the child within a time which is reasonably calculated to meet the child's needs;

(iii) The child has been abandoned; or

(iv) The parent has failed to make a good faith effort to rehabilitate and reunify with the child pursuant to section 4041.

(e) termination is in the best interests of the child.

Sec. 9. 22 MRSA §4055, sub-§2, as enacted by PL 1979, c. 733, §18, is amended to read:

2. Considerations. In deciding to terminate, the court shall consider the needs of the child, including the child's age, the child's attachments to relevant persons, periods of attachments and separation, and the child's ability to integrate into a substitute placement or back into his parent's home and the child's physical and emotional needs.

Effective July 25, 1984.