

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

**§1207. Implementation and interpretation**

**1. Implementation.** The Secretary of State shall implement the election districts established in this chapter pursuant to this Title and the Constitution of Maine. The Secretary of State shall inform the municipal clerks of the voting district or districts in which each municipality lies and shall provide copies of this chapter and district maps and narrative geographic descriptions of relevant election districts to those officials. The Secretary of State may resolve ambiguities concerning the location of election district lines consistent with subsection 2 and this chapter.

**2. Interpretation.** Where a road, street, waterway, boundary of a tract, boundary of a block group or boundary of a block is used as a boundary of an election district, the boundary line lies at the center of the street or road, at the thread of the waterway or at the boundary of the tract, block group or block, unless otherwise noted. When a description refers to a bridge or railroad line, the district boundary lies at the center of the bridge or railroad tracks. When a description refers to a railroad spur, it refers to the principal spur in the area. When a description uses the word "ocean," the district boundary line lies coincident with the legal boundary of the particular community along or within the Atlantic Ocean. When an election district includes a particular unorganized territory, it includes that unorganized territory as described in the United States Census for 1990, whether the territory is organized or unorganized on the effective date of this chapter. Unless otherwise noted, a district that names a municipality includes all of the municipality.

**3. Nonseverability.** It is the intent of the Legislature that the apportionment of the Maine Senate, the Maine House of Representatives and Maine congressional districts, as established in this chapter, become law as an entirety. If the apportionment of one or more of the bodies apportioned in this chapter is rendered invalid or unlawful by a court of law, it is the intent of the Legislature that the apportionment of all of the bodies apportioned in this chapter become void.

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

Effective April 7, 1994.

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**CHAPTER 629**

**S.P. 680 - L.D. 1860**

**An Act to Amend the Law Pertaining  
to the Appointment of a Guardian  
Ad Litem in Contested Proceedings**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** there appears to be an uncertainty in the status of the need of the appointment of a guardian ad litem in contested hearings; and

**Whereas,** it is important to clarify the court's discretionary authority to appoint a guardian; and

**Whereas,** children may suffer serious harm from the contentious divorce or separation proceedings of their parents; and

**Whereas,** an appointment of a guardian ad litem to represent a child's interest may often minimize that harm and may assist the court in making appropriate decisions concerning the child; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 19 MRSA §752-A** is enacted to read:

**§752-A. Contested proceedings**

**1. Guardian ad litem; appointment.** In contested proceedings under sections 214, 581, 693 and 752 in which a minor child is involved, the court may appoint a guardian ad litem for the child. The appointment must be made as soon as possible after the commencement of the proceeding. In determining whether an appointment must be made, the court shall consider:

**A.** The wishes of the parties;

**B.** The age of the child;

**C.** The nature of the proceeding, including the contentiousness of the hearing;

**D.** The financial resources of the parties;

E. The extent a guardian ad litem may assist in providing information concerning the best interest of the child; and

F. Other factors the court determines relevant.

**2. Duties.** The court shall specify the duties of the guardian ad litem. If, in order to perform the assigned duties, the guardian needs information concerning the child or parents, the court may order the parents to sign an authorization form allowing the release of the necessary information. The duties of the guardian ad litem may include the following:

A. Interviewing the child with or without another person present;

B. Interviewing the parents, teachers and other people who have knowledge of the child or family;

C. Reviewing mental health, medical and school records of the child;

D. Reviewing mental health and medical records of the parents;

E. Having qualified people perform medical and mental evaluations on the child;

F. Having qualified people perform medical and mental evaluations on the parents;

G. Procuring counseling for the child;

H. Retaining an attorney to represent the guardian ad litem in the pending proceeding, with approval of the court;

I. Subpoenaing witnesses and documents and examining and cross-examining witnesses;

J. Serving as a contact person between the parents and the child;

K. Making a written report of investigations, findings and recommendations, with copies of the report to each party and the court; and

L. Other duties that the court determines necessary.

**3. Best interest of the child.** The guardian ad litem must be guided by the standard of the best interest of the child as set forth in section 752, subsection 5.

**4. Written report.** A written report of a guardian ad litem may be admitted as evidence in the proceeding for which the guardian was appointed only if the party seeking the admission of the report has furnished a copy to all parties at least 14 days

prior to the hearing. The report may not be admitted as evidence without the testimony of the guardian ad litem if a party objects to the admittance of the report at least 7 days prior to the hearing.

**5. Court's agent.** A person serving as a guardian ad litem under this section acts as the court's agent and is entitled to quasi-judicial immunity for acts performed within the scope of the duties of the guardian ad litem.

**6. Payment for services.** Payment for the services of the guardian ad litem is the responsibility of the parties, as ordered by the court. In determining the responsibility for payment, the court shall consider:

A. The income of the parties;

B. The marital and nonmarital assets of the parties;

C. The division of property made as part of the final divorce;

D. Which party requested appointment of a guardian; and

E. Other relevant factors.

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

Effective April 7, 1994.

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## CHAPTER 630

S.P. 681 - L.D. 1861

### An Act Concerning Registered Apprenticeship Programs

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

#### PART A

**Sec. A-1.** 26 MRSA §2172-A is enacted to read:

#### §2172-A. Apprenticeships

**1. Notification to training applicants.** The Department of Labor shall explain to each person seeking to enroll in a Maine Job Training System program the general nature of registered apprenticeship programs, that a registered apprenticeship program is one of the job training options available under the Maine Job Training System and ascertain that person's interest in such a program.