

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

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

**Augusta, Maine
2020**

watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine.

See title page for effective date.

CHAPTER 663

H.P. 1468 - L.D. 2066

**An Act To Authorize the
Maine Pilotage Commission To
Establish Alternative Initial
License Criteria for Existing
Pilots Seeking Endorsements
for Low Traffic Volume Routes**

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

Sec. 1. 38 MRSA §91, as amended by PL 1999, c. 355, §14, is further amended by adding at the end a new paragraph to read:

Notwithstanding the training trip requirements under this section, the commission may establish alternative requirements for pilots under the jurisdiction of the commission who are seeking route endorsements in areas of low traffic volume as defined by the commission. The commission shall adopt rules implementing any alternative initial license criteria for pilots seeking route endorsements in areas of low traffic volume that are established by the commission. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 664

H.P. 1480 - L.D. 2079

**An Act To Implement the
Recommendations of the
Family Law Advisory
Commission Concerning
Adoption and Minor
Guardianship**

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

PART A

Sec. A-1. 18-C MRSA §9-302, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

§9-302. Consent for adoption

1. Written consent. Before an adoption is granted, written consent to the adoption must be given by:

A. The adoptee, if the adoptee is ~~44~~ 12 years of age or older;

B. Each of the adoptee's living parents, except as provided in subsection 2;

C. A person or agency having legal custody or guardianship of the adoptee if the adoptee is a child or to whom the child has been surrendered and released, except that the person's or agency's lack of consent, if adjudged unreasonable by a court, may be overruled by the court. In order for the court to find that the person or agency acted unreasonably in withholding consent, the petitioner must prove, by a preponderance of the evidence, that the person or agency acted unreasonably. The court shall determine whether the person or agency acted unreasonably in withholding consent prior to any hearing on whether to grant the adoption. The court may hold a pretrial conference to determine who will proceed. The court may determine that even though the burden of proof ~~is~~ remains on the petitioner, the person or agency should ~~proceed~~ proceed ~~if the person or agency has important facts necessary to the petitioner in presenting the petitioner's case~~ present its reasons for withholding consent and the facts supporting the decision before the petitioner presents its evidence. The court shall consider the following:

(1) Whether the person or agency determined the needs and interests of the child;

(2) Whether the person or agency determined the ability of the petitioner and other prospective families to meet the child's needs;

(3) Whether the person or agency made the decision consistent with the facts;

(4) Whether the harm of removing the child from the child's current placement outweighs any inadequacies of that placement; ~~and~~

(4-A) Whether an agency withholding consent to the petitioner consented to the adoption of the child by a person who is a preadoptive parent as defined in Title 22, section 4002, subsection 9-A or who was identified as an appropriate permanency placement in a court-approved permanency plan pursuant to Title 22, section 4038-B; and

(5) All other factors that have a bearing on a determination of the reasonableness of the person's or agency's decision in withholding consent; and

D. A guardian appointed by the court, if the adoptee is a child, when the child has no living parent, guardian or legal custodian who may consent.

A petition for adoption must be pending before a consent is executed.