

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

**CHAPTER 339
H.P. 709 - L.D. 963**

An Act To Ensure Culturally Informed Programs and Services for Adjudicated Juveniles in the Custody of the Department of Corrections

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

Sec. 1. 34-A MRSA §1402, sub-§10-A is enacted to read:

10-A. Culturally informed treatment and recovery programs. The commissioner shall ensure that any residential or nonresidential treatment or recovery programs established by the commissioner and serving a juvenile who has been adjudicated of a juvenile crime and who has not attained 21 years of age provide for that juvenile culturally informed treatment plans and modalities and culturally informed community reintegration services and provide language services for that juvenile and the juvenile’s family and support system.

Sec. 2. 34-A MRSA §1402, sub-§10-B is enacted to read:

10-B. Culturally informed prevention, diversion and restorative justice programs. The commissioner shall ensure that any prevention, diversion or restorative justice programs established by the commissioner and serving a juvenile who has been adjudicated of a juvenile crime and who has not attained 21 years of age provide for that juvenile culturally informed services, including, but not limited to, referrals to community based services and supports, housing, case management, education and employment resources, and provide language services for that juvenile and the juvenile’s family and support system, as necessary.

See title page for effective date.

**CHAPTER 340
H.P. 765 - L.D. 1030**

An Act Regarding Courts' Authority To Protect Children When a Parent Has Been Awarded Sole Parental Rights and Responsibilities

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

Sec. 1. 18-C MRSA §5-204, sub-§2, ¶C, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

C. By clear and convincing evidence that the parents are unwilling or unable to exercise their parental rights, including but not limited to the following situations:

(1) The parent is currently unwilling or unable to meet the minor's needs and that will have a substantial adverse effect on the minor's well-being if the minor lives with the parent; ~~or~~

(2) The parent has failed, without good cause, to maintain a parental relationship with the minor, including but not limited to failing to maintain regular contact with the minor for a length of time that evidences an intent to abandon the minor; ~~or~~

(3) A prior court order concerning the minor granted another parent, who is now deceased, exclusive parental rights and responsibilities with respect to all aspects of the minor's welfare without reserving for the parent who is now the respondent in the guardianship proceeding any rights to make decisions, to have access to records or to have contact with the minor and:

(a) Such order was in effect at the time of the death of the parent awarded exclusive parental rights and responsibilities; and

(b) There is neither a substantial change in circumstances between the time of the entry of the order and the parent's death nor other facts that would render a finding based on the order to be inequitable or unjust.

Sec. 2. 19-A MRSA §1658, as repealed and replaced by PL 2015, c. 427, §1, is amended to read:

§1658. Termination of parental rights and responsibilities in ~~cases involving sexual assault~~

~~This section applies to the termination of parental rights and responsibilities with respect to a specific child conceived as a result of an act of sexual assault by the parent of that child.~~

1. Petitioner. The A petition for termination of a parent's parental rights and responsibilities with respect to a specific child may be filed by the other another parent or, if the other parent is a minor, the parent or guardian of the other parent a child's minor parent on any grounds set forth in subsection 3. A parent may not file a petition under this section to terminate the parent's own parental rights and responsibilities.

1-A. Filing and contents of petition. A petition to terminate parental rights and responsibilities must be filed in the District Court and in the same case as a prior adjudication of parental rights and responsibilities, if