

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
ONE HUNDRED AND ELEVENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
Judiciary

BILL SUMMARY



JULY, 1983

Prepared by:

John R. Selser, Legislative Counsel
and
Martha E. Freeman, Legislative Counsel
Judiciary Committee

Office of Legislative Assistants
State House, Station 13 Augusta, Maine 04333
(207) 289-2486

1114 AN ACT TO CLARIFY THE RIGHTS OF PUTATIVE FATHERS IN ADOPTION PROCEEDINGS Hayden PL 1983, c. 324

SUMMARY: Concerns the ability of a putative father to establish parental rights in court so that he may then consent to the adoption of his child or be granted care and custody of the child. This statute is related to the statute concerning the termination of already established parental rights in the context of an adoption. to terminate parental rights a showing, among other things, that the parent is not protecting the child from jeopardy or has willfully abandoned the child or has refused to take responsibility for the child must be made. In order, then, to establish parental rights where they have not existed, a putative father should show that none of these elements is present. Thus, this change makes it clear that to establish parental rights in the context of adoption a putative father must show that he will protect the child from jeopardy and has not willfully abandoned the child and has not refused to take responsibility for the child.

1115 AN ACT TO AMEND THE PROBATE CODE Handy PL 1983, c. 241

SUMMARY: Permits a licensed psychologist to examine and report to the Court on a person for whom a petition seeking appointment of a guardian or conservator because of mental incapacity or impairment has been entered in Probate Court. Current law states that only a physician may do this.

1137 AN ACT TO REDEFINE THE INSANITY PLEA Scarpino ONTP

SUMMARY: Sought to eliminate the possibility of a verdict in a criminal case of not guilty by reason of insanity. Instead, a verdict of guilty but suffering from a mental disease or defect would be possible. The convicted person would be sentenced and committed to an institution for the mentally ill or retarded, and if released prior to the end of his sentence, would be placed in a correctional facility or on probation to complete the sentence. Again, the Committee found Maine's current law concerning the insanity defense to be working well.