MAINE STATE LEGISLATURE

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ONE HUNDRED AND ELEVENTH LEGISLATURE SECOND REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JUNE 1984

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the Second Regular Session of the 111th Legislature. The summaries are arranged alphabetically, and indexed separately by committee.

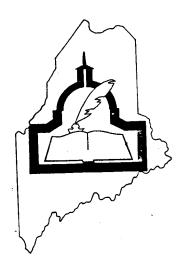
STATE OF MAINE

ONE HUNDRED AND ELEVENTH LEGISLATURE SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON

JUDICIARY

BILL SUMMARY



MAY, 1984

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2159 AN ACT TO CLARIFY AND MAKE Pray CONSISTANT THE RULES OF CONSTRUCTION REGARDING GENDER USED IN THE MAINE REVISED STATUTES ANNOTATED

INDEF. PP

- SUMMARY: This bill was never referred to committee, but reference to the Judiciary Committee had been recommended. It sought to repeal a provision of the new Education Revision which establishing a rule of construction which stated that words of the masculine gender do not include the feminine gender unless they are part of an occupational title. This rule of construction was enacted in an attempt to make the education revision gender neutral.
- 2162 AN ACT TO REPLACE REFER-ENCES TO REGIONAL PRE-SIDING JUSTICE WITH CHIEF JUSTICE OF THE SUPERIOR COURT

Trafton PL 1983, c. 688

- SUMMARY: This new draft of LD 1850 eliminated references to Regional Presiding Justices, positions which have been replaced by a Chief Justice of the Superior Court by Public Law 1983, chapter 269. This bill also clarified outdated references to judicial regions and redefined the authority of the Chief Justice of the Superior Court.
- 2163 AN ACT RELATING TO THE TIME OF PASSAMAOUODDY TRIBE TRUST LAND DESIGNA-TION

Cashman

PL 1983, c. 660

SUMMARY: This new draft of LD 1822 extends the time for designation of Passamaquoddy Tribe Trust Land from January 1, 1985 to January 1, 1986.

2166 AN ACT TO PROMOTE FAMILY Thompson PERMANENCY

PL 1983, c. 772

SUMMARY: This bill was the result of the work of a multidisciplinary committee convened by the Commissioner of the Department of Human Services to address problems regarding securing termination of parental rights of children for the purpose of placement for adoption. The purpose of this bill was to assure that children whose lives have been disrupted are provided safe permanent homes as soon as possible.

It establishes for the first time a purposes section to the Revised Statutes, chapter 1071, subchapter VI, dealing with termination of parental rights. The purpose of this section is to stress the movement toward freeing children for adoption as soon as it is clear that the children will not be able to return to their parents. The section further indicates that the subchapter on termination of parental rights should be liberally construed to serve and protect the best interests of the children involved.

It provides for an expedited appeal for orders terminating parental rights in order to shorten the approximately two year process for appeals for children who have been freed for adoption through termination proceedings.

It provides for application of the provisions of the Interstate Compact on Placement of Children and admissability of Compact reports in evidence.

It specifies parental responsibilities for rehabilitation and reunification. The intent is to firmly establish that the parents of any child placed in the custody of the Department of Human Services have a responsibility for making good faith efforts to rehabilitate themselves and reunify their family. It also clarifies the department's responsibilities in working with the parents to assist them in rehabilitation and reunification, as well as the conditions under which the department may discontinue its efforts to rehabilitate and reunify the parents.

It amends the standard for termination fo parental rights as follows:

- 1. It brings best interest of the child forward as the first consideration the court must make.
 - 2. It further requires a finding that 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.

2185 AN ACT TO AMEND THE LAWS Brannigan REGARDING BAIL

Replaced by new draft LD 2439