

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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LD	TITLE	SPONSOR	DISPOSITION
2462	AN ACT TO MAKE CORRECTIONS OF ERRORS AND INCONSIST- ENCIES IN THE LAWS OF MAINE		PL 1983, c. 816

SUMMARY: This is a new draft of the errors bill. Two amendments were adopted from the floor. These House amendments;

1. added the Assistant to the Commissioner to the Revised Statutes, Title 34-B, section 1204, a section which states which officials shall serve at the pleasure of the Commissioner of the Department of Mental Health and Corrections; and
2. included credit unions in the list of financial institutions which can be utilized in a prepaid funeral arrangement.

2466	AN ACT TO REVISE CHILD CUSTODY TERMINOLOGY, ENACT 'BEST INTEREST OF THE CHILD' CRITERIA AND PROVIDE FOR MANDATORY MEDIATION IN CASES OF SEPARATION, ANNULMENT OR DIVORCE WHERE		PL 1983, c. 813
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SUMMARY: This new draft of LD 2230 retains many provisions of the original bill and makes major revisions to other portions of LD 2230. LD 2230 proposed two general changes in Maine domestic relations law. The bill sought to remove actions for divorce, annulment, and separation from the traditional court process and place them in an institutional setting more appropriate to reducing the adversariness and animosity of divorce. The bill proposed the establishment of an Office of Domestic Relations connected to the courts. Conciliators, appointed as judges are but having some special training or experience in child or family psychology, would have assisted the parties to a divorce, annulment, or separation in reaching agreements on financial, property, and child-care issues facing them. If the parties could not achieve an agreement on any issue, the conciliator would have been able to decide the issue. The conciliator's decision could have been appealed to court for error of law or abuse of discretion.

A second primary goal of LD 2230 was to change the terminology of child custody decisions to reduce the polarization and hostility engendered by the current terminology and to more fully and functionally describe the various aspects of parental rights and responsibilities.

The new draft of LD 2230, LD 2466, implements the goals of LD 2230 by changing current Maine domestic relations statutes in the following ways:

- Adding legislative findings and purposes which encourage mediated resolutions of disputes between divorcing or separating parents;
- Replacing current terminology of "sole custody", "joint custody", and "visitation rights" with the terminology of "allocated parental rights and responsibilities", "shared parental rights and responsibilities", and "sole parental rights and responsibilities";
- Placing the "best interest of the child" standard for making child-care awards in divorce or separation actions, and related factors, into Maine statutes;