

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 837

H.P. 619 House of Representatives, March 18, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative ANTHONY of South Portland.
Cosponsored by Representative CLARK of Brunswick and
Senator GILL of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 **Resolve, to Establish the Commission to**
2 **Study Adoption Laws and Practices.**
3

4 **Emergency preamble.** Whereas, Acts and resolves
5 of the Legislature do not become effective until 90
6 days after adjournment unless enacted as emergencies;
7 and

8 Whereas, the regulation of adoptions is one of
9 the important functions of the Legislature, since
10 adoption practices have no controls except those im-
11 posed by law; and

12 Whereas, there have been many bills seeking to
13 modify adoption laws in each of the last several leg-
14 islative sessions, all seeking to change things in a
15 different way, and with little or no consensus among

1 interest groups or Legislators as to what changes are
2 sound public policy; and

3 Whereas, there has been no comprehensive review
4 of the State's adoption laws and practices in over a
5 decade, although adoption practices have changed
6 dramatically during that period; and

7 Whereas, the best approach to developing sound
8 public policy is to ask persons representing each of
9 the many different perspectives to sit down together
10 and come up with a coherent proposal for change; and

11 Whereas, the frequency of infant adoptions has
12 declined considerably, despite the fact that the rate
13 of teen pregnancies in Maine has risen dramatically
14 to make it one of the State's serious human service
15 problems; and

16 Whereas, a comprehensive examination of adoption
17 laws and practices may lead to developing ways to re-
18 turn adoption to its prior position of being the op-
19 tion selected most frequently by unwed pregnant ado-
20 lescents, to the social benefit of all and the finan-
21 cial benefit of the State; and

22 Whereas, in the judgment of the Legislature,
23 these facts create an emergency within the meaning of
24 the Constitution of Maine and require the following
25 legislation as immediately necessary for the preser-
26 vation of the public peace, health and safety; now,
27 therefore, be it

28 **Sec. 1. Commission created and charged. Re-**
29 **solved:** That there is established the Commission to
30 Study Adoption Laws and Practices, charged with the
31 task of undertaking a comprehensive review of all
32 laws and regulations relating to adoption, together
33 with the various common practices and approaches to
34 adoptions reflected by adoption agencies, other so-
35 cial service agencies, physicians and others who fa-
36 cilitate private adoptions, attorneys handling adop-
37 tions, Probate Court judges, unwed pregnant
38 teenagers, the Department of Human Services and oth-
39 ers who have any involvement with the adoption pro-
40 cess, including adult adoptees, birth parents and
41 adoptive parents; and be it further

1 **Sec. 2. Appointment. Resolved:** That the com-
2 mission shall consist of 15 members, appointed in the
3 following manner:

4 1. Two Senators appointed by President of the
5 Senate;

6 2. Two Representatives appointed by the Speaker
7 of the House;

8 3. One attorney appointed by the President of
9 the State Bar Association;

10 4. One Register of Probate appointed by the
11 Maine Association of Registers of Probate;

12 5. The Commissioner of Human Services or his
13 designee;

14 6. The Director of the Bureau of Vital Statis-
15 tics; and

16 7. The following members appointed by the Gover-
17 nor:

18 A. One representative of adoption agencies;

19 B. One adult adoptee;

20 C. One birth parent;

21 D. One adoptive parent;

22 E. One counselor specializing in assisting ado-
23 lescents to make choices between options in re-
24 solving an unplanned unwed-teen pregnancy;

25 F. One school guidance counselor or school
26 nurse; and

27 G. One member of the public.

28 A Probate Judge, to be appointed by the Chief Jus-
29 tice, shall serve as advisor; and be it further

30 **Sec. 3. Report. Resolved:** That the commission
31 shall present its findings, together with any recom-

1 mended legislation, to the First Regular Session of
2 the 114th Legislature by December 10, 1988; and be it
3 further

4 **Sec. 4. Assistance. Resolved:** That the Office
5 of Policy and Legal Analysis shall provide assistance
6 to the commission in carrying out its duties; and be it
7 further

8 **Sec. 5. Compensation. Resolved:** That Legisla-
9 tors shall receive the legislative per diem and all
10 other members shall receive expenses; and be it fur-
11 ther

12 **Sec. 6. Appropriation. Resolved:** That the fol-
13 lowing funds are appropriated from the General Fund
14 to carry out the purposes of this resolve.

15 1987-88

16 LEGISLATURE

17 Commission to Study
18 Adoption Laws and
19 Practices

| | | |
|----|-------------------|---------|
| 20 | Personal Services | \$1,000 |
| 21 | All Other | 6,000 |

| | | |
|----|-------|----------------|
| 22 | | |
| 23 | Total | <u>\$7,000</u> |

24 **Emergency clause.** In view of the emergency cited
25 in the preamble, this resolve shall take effect when
26 approved.

1 STATEMENT OF FACT

2 This bill addresses 2 problems relating to adop-
3 tion: The lack of any comprehensive review of laws
4 and practices in this State for over a decade, de-
5 spite a myriad of placement changes through legisla-
6 tion; and the fact that fewer and fewer pregnant
7 teenagers consider adoption a viable option for re-
8 solving their predicaments which affects the girls
9 involved, the many persons wishing to adopt infants,
10 the children conceived unintentionally and the tax-
11 payers of Maine due to high costs of Aid to Families
12 with Dependant Children and the high rates of inci-
13 dents of child abuse among teen parents.

14

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