

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 884

H.P. 656 House of Representatives, March 23, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative WARREN of Scarborough.
Cosponsored by Representatives PARADIS of Augusta and
COTE of Auburn.

STATE OF MAINE

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

1 AN ACT to Establish an Adoption Alternative
2 Act.
3

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

6 19 MRSA c. 10-A is enacted to read:

7 CHAPTER 10-A

8 ADOPTION ALTERNATIVE ACT

9 §551. Short title

10 This chapter shall be known and may be cited as
11 the "Adoption Alternative Act."

12 §552. Program established

1 The Department of Human Services shall establish
2 and maintain a program for the adoption of children
3 as set out in this chapter.

4 1. Screening; maintenance of list. The depart-
5 ment shall screen potential adoptive parents and
6 maintain a current list of persons that it determines
7 are suitable as adoptive parents, pursuant to written
8 criteria set out in departmental rules promulgated
9 pursuant to this chapter.

10 2. Fees. The department shall assess reasonable
11 fees as follows:

12 A. A fixed fee for any applicant or any couple
13 wishing to be screened as a potential adoptive
14 parent; and

15 B. A flexible fee for any adoption pursuant to
16 this chapter.

17 The department shall promulgate rules, pursuant
18 to Title 5, chapter 375, to ensure that fees are suf-
19 ficient to cover any administrative costs of the de-
20 partment under this chapter, any birth-related medi-
21 cal costs of the biological mother of a child adopted
22 under this chapter and any birth-related medical
23 costs of the adopted child.

24 §553. Physicians' duty to inform

25 1. Duty to inform. Any physician, prior to per-
26 forming an abortion, shall inform the patient of the
27 existence of the program established in this chapter;
28 shall provide the patient with a copy of this Act;
29 and must provide the department with written certifi-
30 cation that the physician provided the patient with
31 the standard department "Adoption Alternative Act"
32 information form, the language of which is set out in
33 this Act and that the patient had the opportunity to
34 read the form prior to the abortion and that, fur-
35 ther, the patient did or did not go through with the
36 abortion.

37 2. Language of patient information form. The in-
38 formation form shall be substantially in the follow-
39 ing form and must be dated, signed by the physician

1 and witnessed by a 3rd party other than the patient.

2 "Adoption Alternative"

3 I have provided a copy of the Adoption Alterna-
4 tive Act to the patient, _____
5 name of patient
6 informing the patient that she may carry her pregnan-
7 cy to term, have the child adopted and have all of
8 her necessary medical expenses paid for. After re-
9 ceiving this information, she made a decision about
10 whether to have an abortion.

11 I have provided that patient with a carbon copy
12 of this form.

13 _____
14 witness physician (print name)

15 _____
16 physician signature

17 _____
18 date

19 3. Exceptions. This section does not apply to
20 any abortion performed to remove a nonviable fetus or
21 performed because, in the physician's opinion, the
22 mother's health is endangered by the continuation of
23 the pregnancy.

24 §554. Withholding of medical services

25 If a patient agrees to have her child adopted un-
26 der the program established in this chapter, no phy-
27 sician, other medical personnel or health care facil-
28 ity may withhold medical services for that patient or
29 child because money is not paid or advanced. All med-
30 ical expenses shall be paid by the department after
31 the child is born from the adoption fees paid by the
32 adopting parent or parents pursuant to section 552,
33 subsection 2, paragraph B.

34 §555. Consent to adoption

35 1. Consent required. Any patient who wishes to
36 consent to the adoption of her child pursuant to this
37 chapter must:

1 A. Meet with a social worker employed by the de-
2 partment who shall explain the program to the pa-
3 tient and provide the patient with a copy of this
4 Act; and

5 B. Sign a consent form pursuant to subsection 2.

6 In any case where the consent of the father would be
7 required under any other provision of law, the father
8 must consent to the adoption pursuant to this chapter
9 by signing the consent form.

10 2. Form of consent. The consent for adoption un-
11 der this chapter shall be in substantially the fol-
12 lowing form and must be witnessed by the department
13 social worker.

14 "SURRENDER AND RELEASE OF
15 CHILD FOR ADOPTION

16 We/I _____ of _____ in the County
17 of _____ and State of Maine, being the parent(s)
18 of an unborn child, hereby surrender and release all
19 parental rights in and to that child and the custody
20 and control of that child to the Department of Human
21 Services, for the purpose of having that child
22 adopted by some suitable person, and its name changed
23 when a change is desirable.

24 Dated at _____, Maine this _____ day of
25 _____, 19 _____.

26 Witness _____ Date _____ Mother _____

28 Witness _____ Date _____ Father _____

30 Acceptance

31 I _____, accept the unborn child for
32 adoption on behalf of the Department of Human Ser-
33 vices.

34 _____"

1 §556. Consent withdrawn

2 1. Withdrawal of consent. A mother or father who
3 has signed a consent form under section 555 may with-
4 draw consent to the adoption at any time before the
5 3rd day after the birth of the child by executing a
6 withdrawal of consent form as set out in subsection
7 2.

8 2. Form. A withdrawal of consent shall be in
9 substantially the following form and must be dated,
10 signed by the mother or father and witnessed by a 3rd
11 party other than the social worker or physician.

12 "WITHDRAWAL OF CONSENT TO ADOPTION

13 I withdraw my consent to the adoption of my
14 child. I realize that I will be liable for all medi-
15 cal expenses of the pregnancy."

16 3. Liability for medical expenses. If consent
17 for adoption is withdrawn under this section, the bi-
18 ological parent or parents of the child are liable
19 for all medical expenses arising from the pregnancy.

20 §557. Adoption of children

21 Any child whose adoption has been consented to by
22 his biological parent or parents under this Act,
23 shall be placed by the department with suitable per-
24 sons for the purpose of adoption. As a condition of
25 release of the child for final adoption, the depart-
26 ment shall require that the adopting parent or par-
27 ents pay to the department a fee equal to the cost of
28 all medical expenses of the biological mother and the
29 child which were paid by the department.

30 The department may refuse to place any child for
31 adoption when, in the department's judgment, suitable
32 adoptive parents are not available for the child or
33 the child suffers from serious medical problems which
34 prevent adoption.

1 STATEMENT OF FACT

2 Statistics show a great number of Maine people
3 have wanted to adopt a young child in recent years
4 but have been unable to do so because of an
5 unavailability of children. This bill establishes a
6 program within the Department of Human Services to
7 present adoption as an alternative to young women
8 contemplating an abortion. The intent of the bill is
9 to provide information to interested parties. It does
10 not interfere with the patient's free choice, nor
11 with the doctor - patient relationship. The bill in-
12 forms the patient that there may be an individual in-
13 terested in paying all costs associated with her
14 pregnancy, if the pregnancy is carried to term.

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