

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(New Draft of H.P. 619, L.D. 837)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1405

H.P. 1043 House of Representatives, May 1, 1987  
Reported by Representative PARADIS from the Committee on  
Judiciary and printed under Joint Rule 2.

EDWIN H. PERT, Clerk  
Original bill sponsored 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 Study  
2             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

1 different way, with little or no consensus among in-  
2 terest groups or Legislators as to what changes are  
3 sound public policy; and

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

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

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

17 Whereas, a comprehensive examination of adoption  
18 laws and practices may lead to developing ways to  
19 make adoption a more viable option for some pregnant  
20 women; and

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

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

1           **Sec. 2. Appointment. Resolved:** That the com-  
2 mission shall consist of 11 members, appointed in the  
3 following manner:

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

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

8           3. One Register of Probate appointed by the Gov-  
9 ernor from recommendations of the Maine Association  
10 of Registers of Probate;

11           4. The Commissioner of Human Services or his  
12 designee; and

13           5. The following members appointed by the Gover-  
14 nor:

15           A. One representative of adoption agencies;

16           B. One adult adoptee;

17           C. One birth parent;

18           D. One adoptive parent; and

19           E. One counselor, school guidance counselor or  
20 school nurse with experience in assisting adoles-  
21 cents to make choices among options in resolving  
22 an unplanned unwed-teen pregnancy.

23           A Probate Judge, to be appointed by the Chief Justice  
24 of the Supreme Judicial Court, shall serve as an ad-  
25 visor.

26           Each person required to make an appointment or ap-  
27 pointments under this resolve shall make the appoint-  
28 ment or appointments by July 24, 1987, and shall in-  
29 form the President of the Senate, the Speaker of the  
30 House, the Executive Director of the Legislative  
31 Council and the Governor upon making the appointment  
32 or appointments; and be it further

33           **Sec. 3. Convening of commission. Resolved:**  
34 That, when the appointment of all commission members

1 is completed, the chairman of the Legislative Council  
2 shall call the commission together for its first  
3 meeting no later than August 3, 1987. At the first  
4 meeting the commission members shall choose a chair-  
5 man of the commission from among its members; and be it  
6 further

7 **Sec. 4. Report. Resolved:** That the commission  
8 shall present its findings, together with any recom-  
9 mended legislation, to the First Regular Session of  
10 the 114th Legislature by December 10, 1988; and be it  
11 further

12 **Sec. 5. Assistance. Resolved:** That, if staff  
13 is desired, assistance shall be requested from the  
14 Legislative Council; and be it further

15 **Sec. 6. Compensation. Resolved:** That the mem-  
16 bers of the commission who are Legislators shall re-  
17 ceive the legislative per diem, defined in the Maine  
18 Revised Statutes, Title 3, section 2, for each day's  
19 attendance at commission meetings. All members of  
20 the commission shall receive reimbursement for ex-  
21 penses upon application to the Executive Director of  
22 the Legislative Council; and be it further

23 **Sec. 7. Appropriation. Resolved:** That the fol-  
24 lowing funds are appropriated from the General Fund  
25 to carry out the purposes of this resolve.

	<u>1987-88</u>	<u>1988-89</u>
26		
27	<u>LEGISLATURE</u>	
28	Commission to Study Adoption	
29	Laws and Practices	
30	Personal Services	\$1,320 \$ 880
31	All Other	3,600 4,500
32		
33	Total	<u>\$4,920</u> <u>\$5,380</u>

34 Provides funds for  
35 the per diem travel  
36 and related costs of  
37 the commission.

1           **Emergency clause.** In view of the emergency cited  
2       in the preamble, this resolve shall take effect when  
3       approved.

4    STATEMENT OF FACT

5           This new draft changes the commission membership,  
6       clarifies the responsibilities of appointing authori-  
7       ties, sets a date and method for convening the com-  
8       mission and establishes a method for choosing the  
9       commission's chairman.

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