

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 644

S.P. 247

In Senate, February 28, 1995

**An Act to Expand Eligibility for Benefits under the Adoption Assistance Program.**

(EMERGENCY)

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Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec.  
Cosponsored by Representative: AULT of Wayne.

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

4  
6           Whereas, the Adoption Assistance Program was expanded to  
apply to finalized adoptions in specific situations, effective  
August 1, 1994, but that portion of the law has been interpreted  
8 to apply to only those adoptions finalized on or after August 1,  
1994; and

10  
12           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
14 necessary for the preservation of the public peace, health and  
safety; now, therefore,

16  
18           **Be it enacted by the People of the State of Maine as follows:**

20           **Sec. 1. 19 MRSA §1142**, as enacted by PL 1993, c. 686, §5 and  
affected by §13, is amended to read:

22           **§1142. Eligibility and terms**

24           Foster parents interested in adopting an eligible child in  
their care and other persons interested in adopting an eligible  
26 child may apply for adoption assistance. All applicants for  
adoption assistance must meet department standards for adoption  
with the exception of financial ability. Assistance may be  
28 provided for special needs only, for a limited period of time,  
for a long period of time or for a combination. The adoption  
30 assistance may vary depending on the special needs of the child.

32           If there were facts relevant to the child's eligibility that  
34 were not presented at the time of the request for adoption  
assistance or if the child was eligible for participation in the  
36 program at the time of placement and the adoptive parents were  
not apprised of the program, the adoptive parents of a special  
38 needs child are eligible to receive adoption assistance  
regardless of when the adoption was finalized.

40           **Sec. 2. 19 MRSA §1143, sub-§1**, as enacted by PL 1993, c. 686,  
42 §5 and affected by §13, is amended to read:

44           **1. Written agreement.** A written agreement between the  
family entering into the Adoption Assistance Program and the  
46 department must precede the final decree of adoption, except that  
an application may be filed subsequent to the finalization of the  
48 adoption if there were facts relevant to the child's eligibility  
that were not presented at the time of the request for assistance  
50 or if the child was eligible for participation in the program at  
the time of placement and the adoptive parents were not apprised

2 of the program. Adoptive parents of a child whose adoption has  
3 been finalized before the application for adoption assistance is  
4 filed are eligible to receive benefits regardless of when the  
5 adoption was finalized.

6 **Sec. 3. Retroactivity.** This Act applies retroactively to  
7 August 1, 1994.

8 **Emergency clause.** In view of the emergency cited in the  
9 preamble, this Act takes effect when approved.  
10

11  
12 **STATEMENT OF FACT**  
13

14  
15 This bill amends the Adoption Assistance Program to ensure  
16 that the program benefits are available for families in which  
17 adoptions were finalized before August 1, 1994. Public Law 1993,  
18 chapter 686, effective August 1, 1994, extended eligibility to  
19 already finalized adoptions if there were facts relevant to a  
20 child's eligibility that were not presented at the time of the  
21 request for assistance or if the child was eligible for  
22 participation in the program at the time of placement and the  
23 adoptive parents were not apprised of the program. This bill  
24 clarifies that the expansion applies to all adoptions, not just  
those finalized on or after August 1, 1994.