

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1182

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H.P. 851

House of Representatives, April 4, 1995

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### An Act to Amend the Laws Governing Adoption.

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Submitted by the Department of Human Services pursuant to Joint Rule 24.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.  
Cosponsored by Representative: HARTNETT of Freeport.

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

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4       **Sec. 1. 19 MRSA §1111, sub-§1**, as enacted by PL 1993, c. 686,  
§5 and affected by §13, is amended to read:

6       **1. Affidavit required.** When the birth mother of a child  
8 born out of wedlock wishes to consent to the adoption of the  
child or to execute a surrender and release for the purpose of  
10 adoption of the child and the putative father has not consented  
to the adoption of the child or joined in a surrender and release  
12 for the purpose of adoption of the child or waived his right to  
notice, the birth mother must file an affidavit of paternity with  
14 the judge of probate so that the judge may determine how to give  
notice of the proceedings to the putative father of the child.

16       **Sec. 2. 19 MRSA §1111, sub-§2-A** is enacted to read:

18       **2-A. Putative father waives right to notice.** If the judge  
20 finds that the putative father has waived his right to notice in  
a document acknowledged before a justice of the peace, a notary  
22 public or a judge of probate, and that document indicates that  
the putative father understands the consequences of the waiver of  
24 notice, the judge shall rule that only the mother of the  
illegitimate child need consent to the adoption of the child or  
26 execute a surrender and release for the purpose of adoption of  
the child. The notary public or the justice of the peace may not  
28 be an attorney for the adopting parents or a partner, associate  
or employee of an attorney for the adopting parents or represent  
either the mother or the possible adoptee.

30       **Sec. 3. 19 MRSA §1112, sub-§2, ¶¶A and B**, as enacted by PL  
32 1993, c. 686, §5 and affected by §13, are amended to read:

34       A. A licensed child placing agency or the department  
certifies to the court, or the court determines, that  
36 counseling was provided or was offered and refused, except  
that this certification or determination is not necessary if  
38 one of the petitioners is a blood relative of the child;

40       B. The Except when one of the petitioners is a blood  
relative of the child, the court has, at least 3 days prior  
42 to receiving the parent's signature, explained the  
individual's parental rights and responsibilities and the  
44 effects of the consent or the surrender and release; and

46       **Sec. 4. 19 MRSA §1112, sub-§3-A** is enacted to read:

48       **3-A. Consent or surrender and release executed in another**  
**state.** The court may accept a consent or a surrender and release

2 executed in another state, in accordance with the laws of that  
3 state, before a court of comparable jurisdiction.

4 **Sec. 5. 19 MRSA §1127, sub-§2**, as enacted by PL 1993, c. 686,  
5 §5 and affected by §13, is amended to read:

6 **2. Accounting.** ~~Prior~~ Unless one of the petitioners is a  
7 blood relative of the child, prior to the dispositional hearing  
8 pursuant to section 1129, the petitioner shall file a full  
9 accounting of all disbursements of anything of value made or  
10 agreed to be made by or on behalf of the petitioner in connection  
11 with the adoption. The accounting report must be signed under  
12 penalty of perjury and must be submitted to the court on or  
13 before the final decree is granted. The accounting report must  
14 be itemized and show the services related to the adoption or to  
15 the placement of the adoptee for adoption that were received by  
16 the adoptee's parents, by the adoptee, or on behalf of the  
17 petitioner. The accounting must include the dates of each  
18 payment and the names and addresses of each attorney, physician,  
19 hospital, licensed adoption agency or other person or  
20 organization who received any funds or anything of value from the  
21 petitioner in connection with the adoption or the placement of  
22 the adoptee with the petitioner, or participated in any way in  
23 the handling of the funds, either directly or indirectly.

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27  
28 **STATEMENT OF FACT**

29 Public Law 1993, chapter 686 recodified the State's adoption  
30 laws. In the process some provisions of the laws were omitted  
31 pertaining to putative fathers' waivers, full faith and credit  
32 for actions under another state's laws and certain exceptions for  
33 adoptions by relatives. This bill restores those provisions.