MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 865

H.P. 642

House of Representatives, February 20, 2003

Resolve, Directing the Family Law Advisory Commission To Study and Report on Legal Issues Surrounding Surrogate Parenting and Gestational Agreements

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Farmington. Cosponsored by Representatives: LAVERRIERE-BOUCHER of Biddeford, NORBERT of Portland. Whereas, medical science has made it possible for children to be conceived in new and nontraditional ways such as assisted conception, in vitro fertilization and gestational agreements; and

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Whereas, current Maine law is inadequate to address issues relating to parental rights and responsibilities, ethics, inheritance and property rights when genetic, biological and factual parentage can not be determined in traditional ways; and

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Whereas, Maine courts are in need of legislative guidance respecting the determination of parental and other rights and responsibilities in such cases; and

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Whereas, the Legislature is desirous of protecting children born as a result of such nontraditional means from unnecessary litigation, uncertainty and insecurity; and

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Whereas, the Family Law Advisory Commission is authorized to review and make recommendations on family law issues generally under the Maine Revised Statutes, Title 19-A, section 351 et seq. but has not yet addressed issues relating to children conceived through nontraditional means; now, therefore, be it

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Sec. 1. Study. Resolved: That the Family Law Advisory Commission established under the Maine Revised Statutes, Title 5, section 12004-I, subsection 52-A is directed to conduct a comprehensive study of laws and proposals relating to surrogate parenting, gestational agreements and other nontraditional means of conception and childbearing; and be it further

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Sec. 2. Report. Resolved: That the Family Law Advisory Commission shall submit a report no later than January 1, 2004, together with any necessary implementing legislation, for presentation to the Second Regular Session of the 121st Legislature. The Family Law Advisory Commission is authorized to submit legislation related to its report to the Second Regular Session of the 121st Legislature.

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40 SUMMARY

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This resolve directs the Family Law Advisory Commission to study issues relating to surrogate parenting and gestational agreements and authorizes the commission to introduce legislation based on its findings to the Second Regular Session of the 121st Legislature.