

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 391

H.P. 307

House of Representatives, January 26, 2007

Resolve, To Study Adoption Laws and Practices

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SIMPSON of Auburn.
Cosponsored by Senator HASTINGS of Oxford and
Representatives: BERUBE of Lisbon, BRYANT of Windham, DILL of Cape Elizabeth,
FAIRCLOTH of Bangor, HOLMAN of Fayette, MILLS of Farmington, WATSON of Bath,
Senator: NUTTING of Androscoggin.

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

3 **Whereas,** the Adoption Laws and Practices Task Force is created to review and
4 make recommendations about adoption laws and practices; and

5 **Whereas,** the study must be initiated before the 90-day period expires in order that
6 the study may be completed and a report submitted during the next legislative session;
7 and

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

12 **Sec. 1. Task force established. Resolved:** That the Adoption Laws and
13 Practices Task Force, referred to in this resolve as "the task force," is established; and be
14 it further

15 **Sec. 2. Task force membership. Resolved:** That the task force consists of 17
16 members appointed as follows:

17 1. One member of the Senate, appointed by the President of the Senate;

18 2. Two members of the House of Representatives, appointed by the Speaker of the
19 House of Representatives;

20 3. Two members representing adoptees, one appointed by the President of the Senate
21 and one appointed by the Speaker of the House of Representatives;

22 4. Two members representing adoptive parents, one appointed by the President of the
23 Senate and one appointed by the Speaker of the House of Representatives;

24 5. Two members representing birth parents, one appointed by the President of the
25 Senate and one appointed by the Speaker of the House of Representatives;

26 6. Two members representing adoption agencies or other entities providing adoption
27 services, one appointed by the President of the Senate and one appointed by the Speaker
28 of the House of Representatives;

29 7. Two members representing lawyers with experience in adoption law, one
30 appointed by the President of the Senate and one appointed by the Speaker of the House
31 of Representatives;

32 8. Two members representing probate courts and probate registers, one appointed by
33 the President of the Senate and one appointed by the Speaker of the House of
34 Representatives;

35 9. The Commissioner of Health and Human Services or the commissioner's
36 designee; and

1 10. The Attorney General or the Attorney General’s designee; and be it further

2 **Sec. 3. Chairs. Resolved:** That the Senate member is the Senate chair of the task
3 force and the first-named House of Representatives member is the House chair of the task
4 force; and be it further

5 **Sec. 4. Appointments; convening of task force. Resolved:** That all
6 appointments must be made no later than 30 days following the effective date of this
7 resolve. The appointing authorities shall notify the Executive Director of the Legislative
8 Council once all appointments have been completed. Within 15 days after appointment
9 of all members, the chairs shall call and convene the first meeting of the task force, which
10 may be no later than September 15, 2007; and be it further

11 **Sec. 5. Duties. Resolved:** That the task force shall conduct a review of adoption
12 laws and practices and propose a comprehensive public policy addressing the issues
13 involved in adoption laws and practices.

14 1. The task force shall:

15 A. Identify laws that relate to adoption;

16 B. Identify court jurisdiction over adoption-related issues;

17 C. Review paternity issues;

18 D. Consider appropriate accessibility to birth and family information, consistent with
19 existing and proposed federal requirements and identity theft concerns;

20 E. Determine the relation of the “safe haven” law to adoption issues;

21 F. Identify all interests affected by adoption laws and practices;

22 G. Review trends in other states concerning adoption laws and practices;

23 H. Propose an adoption public policy blueprint; and

24 I. Draft a comprehensive revision of all adoption laws consistent with the adoption
25 public policy blueprint.

26 2. The task force may:

27 A. Hold informational sessions and discussions with experts, interested parties and
28 practitioners; and

29 B. Hold a public hearing in Augusta; and be it further

30 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
31 necessary staffing services to the task force; and be it further

32 **Sec. 7. Compensation. Resolved:** That the legislative members of the task force
33 are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes,
34 Title 3, section 2, and reimbursement for travel and other necessary expenses related to
35 their attendance at authorized meetings of the task force. Public members not otherwise
36 compensated by their employers or other entities that they represent are entitled to receive

1 reimbursement of necessary expenses and, upon a demonstration of financial hardship, a
2 per diem equal to the legislative per diem for their attendance at authorized meetings of
3 the task force; and be it further

4 **Sec. 8. Report. Resolved:** That, no later than December 5, 2007, the task force
5 shall submit a report that includes its findings and recommendations, including suggested
6 legislation, for presentation to the Joint Standing Committee on Judiciary and the
7 Legislative Council. The task force is authorized to introduce legislation related to its
8 report to the Second Regular Session at the time of submission of its report; and be it
9 further

10 **Sec. 9. Extension. Resolved:** That, if the task force requires a limited extension
11 of time to complete its study and make its report, it may apply to the Legislative Council,
12 which may grant an extension; and be it further

13 **Sec. 10. Task force budget. Resolved:** That the chairs of the task force, with
14 assistance from the task force staff, shall administer the task force's budget. Within 10
15 days after its first meeting, the task force shall present a work plan and proposed budget
16 to the Legislative Council for its approval. The task force may not incur expenses that
17 would result in the task force's exceeding its approved budget. Upon request from the
18 task force, the Executive Director of the Legislative Council shall promptly provide the
19 task force chairs and staff with a status report on the task force budget, expenditures
20 incurred and paid and available funds.

21 **Emergency clause.** In view of the emergency cited in the preamble, this
22 legislation takes effect when approved.

23 SUMMARY

24 This resolve creates the Adoption Laws and Practices Task Force. The task force
25 consists of 3 Legislators and 14 other members representing various participants in the
26 adoption process. The task force is charged with reviewing all the laws and practices
27 relating to adoption, proposing a revision of the laws and proposing a comprehensive
28 public policy concerning adoption.