

MAINE STATE LEGISLATURE

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3 of 2

STATE OF MAINE
SENATE
109TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-106)

COMMITTEE AMENDMENT "A " to S.P. 72 , L.D. 126, Bill, "AN ACT to Provide Birth Certificates for Foreign-born Citizens Adopted by Maine Parents."

Amend the Bill by striking out all of the title and inserting in its place the following: 'AN ACT to Provide Birth Certificates for Foreign-born Adopted Persons.'

Further amend the Bill by inserting before the enacting clause the following:

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

Whereas, many foreign-born adopted children presently have no birth certificates; and

Whereas, birth certificates or naturalization papers are often necessary for these children to enter school and for proof of age for various other activities; and

Whereas, unless this Act is enacted as an emergency, it will not be effective before September; and

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 necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 22 MRSA §2765, sub-§§ 1-A and 1-B are enacted to read:

1-A. Persons born in a foreign country. The State Registrar shall establish a Maine certificate of birth for a person born in

a foreign country and for whom a final order of adoption has been entered in a court of competent jurisdiction in Maine when he receives the following:

A. A certificate of adoption as provided in Title 19, section 533;

B. A certification of birth data from the records of the United States Immigration and Naturalization Service; and

C. A request that a new certificate be established. A Maine certificate of birth shall not be established, if so requested by the court decreeing the adoption, the adoptive parents or the adopted person, if he is 18 years of age or older.

1-B. Content of certificate. Any birth certificate issued under subsection 1-A shall show the true or probable foreign country of birth and shall indicate that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents.

Sec. 2. 22 MRSA §2765, sub-§5 is amended by adding after the first sentence a new sentence to read:

In the case of a Maine certificate of birth established for a person born in a foreign country, a copy of the certificate shall be provided to and shall be maintained on file by the clerk of the municipality where the adoptive parents resided on the date of the adoption.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

This amendment adds a new title to the bill, making it clear that birth certificates can be made available to those adopted in Maine, whether or not they are citizens and therefore eliminates a naturalization certificate from the documents required to be provided to the State Registrar.

It also establishes the content of the certificate, which includes the disclaimer that it is not a proof of citizenship.

This amendment also adds an emergency preamble and emergency clause to the bill.

Reported by the Committee on Health and Institutional Services.

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