

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 737

H. P. 593

House of Representatives, February 23, 1979

On Motion of Mrs. Prescott of Hampden, referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Nelson of Portland.

Cosponsor: Mrs. Gowen of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide Birth Certificates for Foreign Born Adopted Children.

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 are necessary for these children to enter school and for proof of age for various other activities; and

Whereas, many of these adopted children will be entering school in September; 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,

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

Sec. 1. 22 MRSA § 2765, sub-§ 1-A is 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, or a certified copy of the decree of adoption along with the information necessary to establish the new certificate of birth; and

B. 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 18 years of age or older. The birth certificate shall show the true or probable foreign country of birth, and 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 the following new sentence:

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

A foreign-born adopted child now receives only a certification of birth from the immigration office that states when the child was born. The purpose of this bill which amends Title 22, section 2765, is to add a provision requiring that a Maine birth certificate be issued for the child at finalization of the adoption. The adopted child would then have a Maine birth certificate which could be used to register for school, to vote, to secure a marriage license, to adopt a child or for any other purpose.