

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 951

H. P. 797

House of Representatives, February 20, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative McPherson of Eliot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to Limited Access to Adoption Records.

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

Sec. 1. 22 MRSA § 2765, sub-§ 2, last sentence is amended to read:

Thereafter, the original certificate of birth and the evidence of adoption or legitimation shall not be subject to inspection by the general public, except upon order of a probate court or the Superior Court.

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

Excluded from this restriction are the adoptee, the adoptive parents of a minor child, siblings, the birth parents of a child who has reached his majority and next of kin of a deceased birth parent.

Sec. 3. 22 MRSA § 2765, sub-§ 2 is amended by adding at the end a new paragraph to read:

Any birth parent or adoptee, upon request to the court or agency, may sign a form of nonconsent, stipulating that only non-identifying information shall be released to the inquirer. This information shall be factual and updated whenever possible.

Sec. 4. 22 MRSA § 2765, sub-§ 5, last sentence is amended to read:

All copies of the original certificate in the custody of any municipal clerk shall be

sealed from inspection by **the general public** or surrendered to the state registrar as he shall direct.

Sec. 5. 22 MRSA § 2765, sub-§ 5, as amended by PL 1979, c. 168, § 2, is further amended by adding at the end a new sentence to read:

This shall not be construed as a denial of access to the birth parent or the adoptee who shall be given copies upon request.

STATEMENT OF FACT

The purpose of this bill is to allow adoptees, birth parents and certain others directly involved in an adoption to gain limited access to adoption records. The bill also provides for the signing of nonconsent forms which will protect the right of privacy of those persons who wish to remain anonymous, yet still acknowledge the inquirer's need to know.