

# MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 553, L.D. 704)  
2 (New Title)

3 FIRST REGULAR SESSION  
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5 ONE HUNDRED AND ELEVENTH LEGISLATURE  
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7 Legislative Document

No. 1744

9 H.P. 1316

House of Representatives, June 9, 1983

10 Reported by the Majority from the Committee on Judiciary and printed  
11 under Joint Rule 2.

12 Original bill presented by Representative Benoit of Portland.  
Cosponsored by Representative Crouse of Washburn and Representative  
Masterton of Cape Elizabeth.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-THREE  
18

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19 AN ACT to Facilitate the Search for  
20 Biological Relatives of Adoptees.  
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22 Be it enacted by the People of the State of Maine as  
23 follows:

24 Sec. 1. 19 MRSA §534, first ¶ is amended to  
25 read:

26 All Except as necessary to comply with a search  
27 pursuant to Title 22, section 2706-A or otherwise  
28 provided by law, all Probate Court records relating  
29 to any adoption decreed on or after August 8, 1953,  
30 are declared to be confidential. The Probate Courts  
31 shall keep the records of such adoptions segregated  
32 from all other court records. Such Those adoption  
33 records may be examined only upon authorization by  
34 the judge of the Probate Court. In any case where it

1 is considered proper that ~~such~~ the examination be  
2 authorized, the judge may in lieu of ~~such~~ that exami-  
3 nation, or in addition thereto, grant authority to  
4 the register of probate to disclose any information  
5 contained in ~~such~~ those records by letter, certifi-  
6 cate or copy of the record.

7 Sec. 2. 22 MRSA §2706-A, sub-§§1, 2, 4 and 5 as  
8 enacted by PL 1979, c. 384, are amended to read:

9 1. File. The state registrar shall maintain  
10 files of the names and addresses of adopted persons  
11 ~~and~~, their adoptive and biological parents, and their  
12 biological siblings, who have registered under this  
13 section. For purposes of this section a biological  
14 sibling is any sibling of an adopted person who has  
15 at least one biological parent in common with the  
16 adopted person.

17 2. Registration. The following persons may  
18 register their name and address with the state regis-  
19 trar and request contact:

20 A. An adopted person ~~is~~ 21 years old or more;

21 B. An adoptive parent of an adopted person who  
22 is less than ~~is~~ 21 years old; ~~and~~

23 C. A biological parent of an adopted person;  
24 and

25 D. A biological sibling, at least 21 years old,  
26 of an adopted person.

27 4. Reviewing departmental files. The state  
28 registrar may review ~~both~~ public and private agency,  
29 Probate Court and confidential departmental ~~files~~  
30 records to assist in identifying or verifying the  
31 identification of the other ~~party~~ parties. If both  
32 the adopted person and at least one of the other par-  
33 ties have registered, he the registrar may release  
34 those names and addresses even if the relationship  
35 was identified or verified by the use of confidential  
36 departmental files. ~~He~~ The registrar may charge a fee  
37 for the assistance which shall reasonably reflect the  
38 cost of providing it.

1           5. Request for contact. When the state registrar  
2 has a request for contact from both a biological  
3 parent and that parent's an adopted child or the  
4 child's adoptive parent and the child's biological  
5 parent or biological sibling, ~~he~~ the registrar shall  
6 notify each party of the name and address of the  
7 other party. If the state does not have a mutual  
8 request for contact, an active search pursuant to  
9 section 2706-B may be instituted by or on behalf of  
10 an adopted person upon request.

11           Sec. 3. 22 MRSA §2706-A, sub-§6, as enacted by  
12 PL 1979, c. 384, is amended to read:

13           6. Confidentiality. Except as provided in sub-  
14 section 5, the files established under this section  
15 shall be confidential and not open to public inspec-  
16 tion.

17 Nothing in this section may be construed to require  
18 or permit access to confidential departmental files  
19 if that access would conflict with federal confiden-  
20 tiality laws or regulations.

21           Sec. 4. 22 MRSA §2706-B is enacted to read:

22           §2706-B. Active adoption search

23           1. Request. If a mutual request to make contact  
24 pursuant to section 2706-A is not on file with the  
25 State, an active adoption search may be conducted,  
26 upon request, by the department or by a licensed  
27 child placing agency with an adoption program. An  
28 active adoption search may be conducted for the fol-  
29 lowing parties:

30           A. Adopted persons, 21 years old or more, may  
31 request a search for their biological parent.

32           B. Adoptive parents may request a search under  
33 paragraph A on behalf of their adopted child who  
34 is less than 21 years old. No search by adoptive  
35 parents may be conducted for a biological parent  
36 who is less than 21 years old.

37           2. Active search. Upon receipt of a request for  
38 an active search, the department or agency shall

1 attempt to contact the biological parent by all  
2 reasonable means, using the information in public and  
3 private agency, Probate Court and departmental  
4 records, and notify that person, whenever possible,  
5 that a request for contact with them has been made.  
6 If mutual consent to contact is obtained, the depart-  
7 ment shall proceed under section 2706-A or, if an  
8 agency, under their own procedures for a reunion of  
9 the parties. Inquiries made as a result of this  
10 search shall be conducted in a confidential manner  
11 with regard for the privacy of the person being  
12 sought.

13 If a party whom the adopted person, or an adop-  
14 tive parent on behalf of an adoptee under 21 years  
15 old, is seeking to contact is deceased, the depart-  
16 ment or agency may inform the adopted person or his  
17 adoptive parents, if he is less than 21 years old, of  
18 that fact.

19 The department or agency may charge a fee for  
20 this assistance, which shall reasonably reflect the  
21 cost of providing it.

22 Nothing in this section may be construed to re-  
23 quire or permit access to confidential departmental  
24 or agency files if that access would conflict with  
25 federal confidentiality laws or regulations.

26 Sec. 5. Appropriation. The following funds are  
27 appropriated from the General Fund to carry out the  
28 purposes of this Act.

	<u>1983-84</u>	<u>1984-85</u>
29		
30	<u>HUMAN SERVICES, DEPARTMENT OF</u>	
31	Bureau of Social Services	
32	Positions	(1) (1)
33	Personal Services	\$12,830 \$18,579

34 FISCAL NOTE

35 The provisions of section 4 of the new draft re-  
36 quire an additional human services caseworker in the

1 Bureau of Social Services to conduct the active  
2 search. An appropriation is included for that amount.  
3 A fee for these services may be charged which shall  
4 reasonably reflect the cost of providing that ser-  
5 vice. This fee will be credited to the General Fund.

6 If a large number of biological siblings partici-  
7 pate in the registry and if a large number of indi-  
8 viduals participate in the active registry, it may be  
9 necessary to add a clerk typist II to the staff of  
10 the Office of Vital Statistics. Current law allows a  
11 fee to be charged for those services associated with  
12 the registry which shall reasonably reflect the cost  
13 of providing that service. This fee will be credited  
14 to the General Fund.

15 STATEMENT OF FACT

16 This new draft provides for an active search by  
17 adoptees over the age of 21 or by adoptive parents on  
18 behalf of an adoptee under the age of 21. The  
19 Department of Human Services or a private adoption  
20 agency shall conduct the search in cases where a  
21 mutual request for contact has not been filed.

22 It also includes biological siblings at least 21  
23 years old in the list of people in the registry who  
24 may request contact or of whom contact may be  
25 requested, but not in the active search process, and  
26 changes the age at which an adoptee may request to be  
27 placed on the registry or request a search to age 21.

28 The new draft also adds a fiscal note and an  
29 appropriation.

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