

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2086

7 S.P. 826

In Senate, February 28, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

Reference to the Committee on Judiciary suggested and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gill of Cumberland.

Cosponsored by Representative McPherson of Eliot, Senator Clark of
Cumberland and Representative Nicholson of So. Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT Concerning Access to Adoption Records.
18

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

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

23 2. Original certificate not subject to inspec-
24 tion. When a new certificate of birth is established
25 , the actual place and date of birth shall be shown. It
26 shall be substituted for the original certificate of
27 birth. Thereafter, the original certificate of birth
28 and the evidence of adoption or legitimation shall
29 not be subject to inspection by the general public
30 except upon order of a Probate Court or the Superior
31 Court. The prohibition on inspection does not apply
32 to inspection by the adoptive parent or a legal
33 guardian of an adopted person, when that adopted per-
34 son is at least 20 years of age; the adopted person,
35 when that person is at least 20 years of age; the
36 birth parent of that adopted person; and a biological

1 sibling of that adopted person, when the sibling is
2 at least 20 years of age and when that adopted person
3 is at least 20 years of age; provided that no such
4 inspection may be allowed in relation to adoptions
5 finalized, surrenders obtained or parental rights
6 terminated prior to January 1, 1987, except upon order
7 of a Probate Court or Superior Court.

8 Sec. 2. 22 MRSA §2765, sub-§5, as amended by PL
9 1979, c. 168, §2, is further amended to read:

0 5. Copies of original certificate. When the new
1 certificate of birth is established, the state regis-
2 trar shall provide each municipal clerk who is re-
3 quired by law to have a copy of the certificate of
4 birth on file with a copy of the new certificate of
5 birth. In the case of a Maine certificate of birth
6 established for a person born in a foreign country, a
7 copy of the certificate shall be provided to and
8 shall be maintained on file by the clerk of the mu-
9 nicipality where the adoptive parents resided on the
10 date of the adoption. All copies of the original
11 certificate in the custody of any municipal clerk
12 shall be sealed from inspection, except as provided
13 in subsection 2, or surrendered to the state regis-
14 trar as he shall direct. In addition, the original
15 certificate of birth shall be available for inspec-
16 tion or copies shall be issued to the persons set out
17 in subsection 2, upon proof of their relationship
18 with the adopted person.

19 Sec. 3. 22 MRSA §2765, sub-§6 is enacted:

20 6. Release of certificate when reunion has oc-
21 curring. Notwithstanding subsections 2, 3 and 5,
22 when a reunion between a birthparent named on the
23 birth certificate and an adopted person who is at
24 least 20 years of age has occurred, the state regis-
25 trar shall release copies of an original birth cer-
26 tificate or a new certificate without a court order,
27 provided that the parties show proof of identifica-
28 tion and reunion as the state registrar may require.

1 STATEMENT OF FACT

2 This bill, a so-called "Open Records" bill, while
3 keeping records of adoption sealed from the general
4 public, allows access to these records by: The adop-
5 tive parents at anytime; the birth parent of an adult
6 adoptee aged 20 years or older; and the adoptee or
7 his biological siblings when the adoptee and the sib-
8 ling have attained 20 years of age. This bill is
9 prospective only, and applies only to those adoptions
10 finalized or surrendered after January 1, 1987. The
11 bill also provides that when a reunion has occurred,
12 no court order is necessary to release these records.

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