

MAINE STATE LEGISLATURE

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L.D. 2094

(Filing No. S-602)

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 818, L.D. 2094, Bill, "An Act to Amend Vital Statistics Provisions Pertaining to Adoptions"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 19 MRSA §532-A, as amended by PL 1979, c. 325, §2, is further amended by adding at the end a new paragraph to read:

Before the parent or parents execute the surrender and release, the court shall ensure that they are informed of the existence of the adoption registry and the services available under Title 22, section 2706-A.

Sec. 2. 19 MRSA §533, as amended by PL 1981, c. 390, §§1 and 2, is further amended by adding at the end a new paragraph to read:

Before the adoption is decreed, the court shall ensure that the petitioners are informed of the existence of the adoption registry and the services available under Title 22, section 2706-A.

Sec. 3. 22 MRSA §2705, as amended by PL 1985, c. 611, §1, is further amended to read:

§2705. Amendment of vital statistics records

Except as provided by this Title, a certificate or record filed under chapters 701 to 707 may be altered or amended only in accordance with such regulations as the department may adopt to protect the integrity of vital statistics records.

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1. Amended certificate. A certificate which that has been altered or amended after its filing shall must be marked "amended," and the date on which the certificate or record was amended and a summary description of the evidence submitted in support of the correction shall must be endorsed on the record or permanently attached to it. Any certified copies of certificates or records amended under this section shall must be marked "amended." Notwithstanding this subsection, administrative correction of clerical errors within one year after the date of filing shall does not cause the certificate or record to be considered altered or amended.

2. Incomplete certificates. Incomplete certificates and records may be completed from a supplementary form within one year after the date of filing without being considered altered or amended.

3. Amendment by department. ~~Where the department is the eustodian of a certificate or record of birth, marriage, death or fetal death filed under chapters 701 to 707, the~~ The department shall ~~have~~ has the exclusive power to amend, alter or complete said any certificate or record of birth, marriage, death or fetal death filed under chapters 701 to 707.

Where When a certificate or record of birth, marriage, death or fetal death has been altered, amended or completed by the department, the department shall transmit a corrected copy to the clerk of any municipality in which a certified copy or original certificate has been recorded under chapters 701 to 707.

4. Amendment by the Office of the Chief Medical Examiner. Completions or amendments to certificates of death in medical examiner cases, as defined in section 3025, shall must be as provided in section 2842, subsection 4.

5. Amendment following adoption or legitimation. Amendment of a certificate following adoption or legitimation is governed by section 2765, subsection 2-A.

Sec. 4. 22 MRSA §2706-A, sub-§2, as enacted by PL 1979, c. 384, is repealed and the following enacted in its place:

2. Registration. This subsection governs participation in the adoption registry.

A. The following persons may register their names and addresses with the state registrar and request contact:

(1) A person who is 18 years of age or older and:

(a) Who was adopted;

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- 2 (b) Whose adoption was annulled;
- 4 (c) Whose adoptive parents surrendered and
released parental rights to that person or had
their parental rights terminated; or
- 6 (d) Who was freed for adoption but was never
subsequently adopted;
- 8
- 10 (2) An adoptive parent if:
- 12 (a) The adopted person is under 18 years of age;
- 14 (b) The adopted person is deceased; or
- 16 (c) The adopted person is at least 18 years of
age and is determined by a court to be
incapacitated; and
- 18
- 20 (3) The legal custodian or guardian of:
- 22 (a) A person whose adoption was annulled, who was
surrendered and released by that person's adoptive
parents or whose adoptive parents' parental rights
were terminated;
- 24
- 26 (b) An adopted person under 18 years of age who:
- 28 (i) Has been removed from the custody or
guardianship of that person's adoptive
parents by order of a court; or
- 30
- 32 (ii) Was freed for adoption but was never
subsequently adopted; or
- 34
- 36 (c) An adopted person who is at least 18 years of
age and has been determined by a court to be
incapacitated.
- 38
- 40 B. The following persons may register their names and
addresses with the state registrar and request contact with
an adopted person or a person freed for adoption as
specified in subsection 2, paragraph A:
- 42
- 44 (1) A biological parent of an adopted person or of a
person freed for adoption but not subsequently adopted;
- 46
- 48 (2) The legal custodian or guardian of a person under
18 years of age whose full sibling or half-sibling is
an adopted person or a person freed for adoption;
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(3) If a biological parent of an adopted person or a person freed for adoption is deceased, a biological mother, legal father, grandparent, sibling, half-sibling, aunt, uncle or first cousin of the deceased biological parent; and

(4) A biological sibling or half-sibling, who is at least 18 years of age, of an adopted person or a person freed for adoption.

C. At the time of registration, each registrant shall indicate with which of the persons specified in paragraphs A and B contact is desired.

D. A registrant may withdraw from the adoption registry at any time by submitting a written request to the state registrar.

E. When an adopted person reaches 18 years of age and has not been determined by a court to be incapacitated, the state registrar, after mailing notice to the registrant, shall delete from the adoption registry any prior registration under subsection 2, paragraph A, subparagraph (2), division (a), or subparagraph (3), division (b).

Sec. 5. 22 MRSA §2706-A, sub-§3, as enacted by PL 1979, c. 384, is repealed and the following enacted in its place:

3. Certification of identity and relationship. The state registrar shall require each person registering or requesting contact to provide certification of the registrant's identity and relationship to the person with whom contact is desired and any additional information that is necessary to ensure accurate identification of the registrant and assist in identifying the other party.

Sec. 6. 22 MRSA §2706-A, sub-§3-A is enacted to read:

3-A. Providing information about available counseling. The state registrar shall provide information about sources of counseling to any person registering or requesting contact.

Sec. 7. 22 MRSA §2706-A, sub-§5, as amended by PL 1985, c. 673, is further amended to read:

5. Request for contact. When the state registrar has a request requests for contact from ~~both a biological parent and that parent's adopted child or the child's adoptive parent,~~ he a person specified in subsection 2, paragraph A, and a person specified in subsection 2, paragraph B, that are related to the same adoption and both persons indicated at the time of

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2 registration that contact with the other person was desired, the
3 state registrar shall notify each party of the name and address
4 of the other party and of sources of counseling. If a biological
5 parent, an adoptive parent or an adopted person registered under
6 this section has made a request for contact and the party being
7 sought died in Maine the State, the state registrar may shall
8 disclose to the requesting party the fact that the biological
9 parent, adoptive parent or the adopted person has died.

10 **Sec. 8. 22 MRSA §2765, sub-§1, ¶A** is amended to read:

12 A. A certificate of adoption as provided in Title 19,
13 section 533, or a certified copy of the decree of adoption
14 along with the information necessary to identify the
15 original certificate and establish the new certificate of
16 birth, except that a new certificate shall may not be
17 established if so requested by the adopting parents or the
18 adopted person if the adopted person is at least 18 years of
19 age;

20 **Sec. 9. 22 MRSA §2765, sub-§2** is repealed.

22 **Sec. 10. 22 MRSA §2765, sub-§2-A** is enacted to read:

24 **2-A. Certificate after adoption or legitimation. This**
26 **subsection governs birth certificates after adoption or**
27 **legitimation.**

28 A. When a new birth certificate is established after
30 adoption pursuant to subsection 1, paragraph A, the actual
31 place and date of birth, the name of the child and the names
32 and personal data of the adoptive parents at the time of the
33 decree of adoption must be entered on the new birth
34 certificate.

36 (1) At the request of an adopted person who is at
37 least 18 years of age or of the adoptive parents of an
38 adopted child under 18 years of age, the new
39 certificate must carry a notation that it has been
40 amended, all items that have been revised pursuant to
41 the adoption decree must be identified, and the
42 notation "court action" and the date of the adoption
43 decree must be shown on the new certificate.

44 (2) If the birth certificate has been annotated
45 pursuant to subparagraph (1), the annotation may be
46 deleted in accordance with department regulations at
47 the request of an adopted person who is at least 18
48 years of age or of the adoptive parents of an adopted
49 child under 18 years of age.

2 B. When a new certificate is established after legitimation
3 pursuant to subsection 1, paragraph B, the actual place and
4 date of birth, the name of the child and the names and
5 personal data of both parents at the time of birth must be
6 shown. Notwithstanding section 2705, the new certificate
7 may not be marked "amended." The new certificate must be
8 filed with all other birth certificates and is not subject
9 to the provisions of section 2706, subsection 1, or section
10 2761, subsection 4.

11 C. When a new certificate of birth is established following
12 adoption or legitimation, it must be substituted for the
13 original certificate of birth. After that substitution, the
14 original certificate of birth and the evidence of adoption
15 or legitimation are not subject to inspection except upon
16 order of the Probate Court or the Superior Court.'

18 STATEMENT OF FACT

19 This amendment replaces the bill.

20
21 This amendment makes several changes to the vital statistics
22 provisions pertaining to adoptions. It also amends provisions
23 pertaining to the adoption registry. The adoption registry laws
24 currently provide that only adult adopted persons, adoptive
25 parents on behalf of minor adoptees and biological parents may
26 register for a possible reunion. This amendment broadens the
27 categories to allow for registration by other persons who would
28 otherwise be foreclosed from registering and thereby making
29 contact, including a person whose adoption was annulled, adoptive
30 parents of adopted persons who are deceased, relatives of
31 deceased biological parents adult siblings of adoptees and
32 custodians or guardians of minor or incapacitated adult
33 adoptees. The amendment clarifies which persons may register to
34 have contact with an adopted person, provides for certification
35 of identity of registrants and identity of persons sought, and
36 provides that the registering person must specify with whom
37 contact is desired. The amendment makes the state registrar's
38 policy that a person may withdraw from the adoption registry by
39 making a written request to the state registrar part of the
40 statute.
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43 The amendment requires the state registrar to provide
44 information about sources of counseling to any person registering
45 with the adoption registry or requesting contact.
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47 The amendment provides that certificates of birth issued
48 after adoption may be marked as amended, if requested by the
49 adoptive parent or an adult adoptee.
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