

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

Legislative Document

No. 2094

S.P. 818

In Senate, January 4, 1990

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

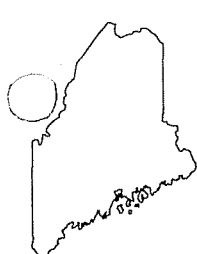
Presented by Senator CAHILL of Sagadahoc.

Cosponsored by Senator BRANNIGAN of Cumberland, Representative WEBSTER of Cape Elizabeth and Representative ANTHONY of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

An Act to Amend Vital Statistics Provisions Pertaining to Adoptions.



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

2  
3 Sec. 1. 22 MRSA §2705, as amended by PL 1985, c. 437, §2, and  
4 c. 611, §1, is further amended to read:

6 **§2705. Amendment of vital statistics records**

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

12  
13 1. **Amended certificate.** A certificate which has been  
14 altered or amended after its filing shall be marked "amended,"  
15 and the date on which the certificate or record was amended and a  
16 summary description of the evidence submitted in support of the  
17 correction shall be endorsed on the record or permanently  
18 attached to it. Any certified copies of certificates or records  
19 amended under this section shall be marked "amended."  
20 Notwithstanding this subsection, administrative correction of  
21 clerical errors within one year after the date of filing shall  
22 not cause the certificate or record to be considered altered or  
23 amended.

24  
25 2. **Incomplete certificates.** Incomplete certificates and  
26 records may be completed from a supplementary form within one  
27 year after the date of filing without being considered altered or  
28 amended.

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

36  
37 ~~Where~~ When a certificate or record of birth, marriage, death or  
38 fetal death has been altered, amended or completed by the  
39 department, the department shall transmit a corrected copy to the  
40 clerk of any municipality in which a certified copy or original  
41 certificate has been recorded under chapters 701 to 707.

42  
43 4. **Amendment by the Office of the Chief Medical Examiner.**  
44 Completions or amendments to certificates of death in medical  
45 examiner cases, as defined in section 3025, shall be as provided  
46 in section 2842, subsection 4.

47  
48 5. Amendment following adoption or legitimation. Amendment  
49 of a certificate following adoption or legitimation is governed  
50 by this subsection.

2        A. When a new certificate of birth is established following  
4        adoption pursuant to section 2765, subsection 1, paragraph  
6        A, or subsection 1-A, 1-B, 1-C or 1-E, it must be marked  
8        "amended," and all items which have been revised must be  
       identified. The notation "court action" and the date of the  
       adoption decree must be shown on the new certificate.  
       Certified copies may be issued only in accordance with  
       subsection 1.

10       B. When the adopting parents or the adopted person have  
12       requested that a new birth certificate not be established  
14       pursuant to section 2765, subsection 1, paragraph A, or  
16       subsection 1-A, paragraph C, the original certificate must  
       be marked "amended" and must carry out the notation "legal  
       parentage changed by court action" and the date of the  
       adoption decree.

18       C. Notwithstanding subsection 1, a new certificate of birth  
20       established following legitimation may not be marked  
       "amended."

22       **Sec. 2. 22 MRSA §2706-A, sub-§2, as enacted by PL 1979, c.**  
24       **384, is repealed and the following enacted in its place:**

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

28       A. A person who is 18 years of age or older and who:

30           (1) Was adopted; or

32           (2) Whose:

34                (a) Adoption was annulled; or

36                (b) Adoptive parents surrendered and released  
38                parental rights to that person or had their  
                 parental rights terminated;

40       B. An adoptive parent if:

42           (1) The adopted person is less than 18 years of age;

44           (2) The adopted person is deceased; or

46           (3) The adopted person is 18 years of age or older and  
48           is determined by a court to be incapacitated;

50       C. A biological parent of an adopted person or of a person  
       freed for adoption but not subsequently adopted;

52       D. The legal custodian or guardian of:

2           (1) A person whose adoption was annulled, who was  
4           surrendered and released by that person's adoptive  
            parents or whose adoptive parents' parental rights were  
6           terminated;

8           (2) An adopted person under the age of 18 who:

10           (a) Has been removed from the custody or  
            guardianship of that person's adoptive parents by  
12           order of a court; or

14           (b) Was freed for adoption but was never  
            subsequently adopted; or

16           (3) A person under the age of 18 whose full sibling,  
18           half-sibling or adoptive sibling is an adopted person;

20           E. A legal guardian of an adopted person who is at least 18  
            years of age and has been determined by a court to be  
22           incapacitated;

24           F. A person who is at least 18 years of age who was freed  
            for adoption but was never subsequently adopted;

26           G. A biological mother, legal father, grandparent, sibling,  
            half-sibling, aunt, uncle or first cousin of a deceased  
28           biological parent of an adopted person; and

30           H. A biological sibling, half-sibling or adopted sibling,  
            who is at least 18 years of age, of an adopted person.

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

34           3-A. Providing information about available counseling  
36           support. The state registrar shall provide information about  
            sources of counseling support to any person registering or  
38           requesting contact.

40           Sec. 4. 22 MRSA §2706-A, sub-§5, as amended by PL 1985, c.  
42           673, is further amended to read:

44           5. Request for contact. When the state registrar has a  
            request for contact from ~~both a biological parent and that~~  
            parent's adopted child or the child's adoptive parent any 2  
46           persons specified in subsection 2 related to the same adoption,  
            he the state registrar shall notify each party of the name and  
48           address of the other party and of sources of counseling support.  
50           If a biological parent, an adoptive parent or an adopted person  
            registered under this section has made a request for contact and  
            the party being sought died in Maine, the state registrar may

shall disclose to the requesting party the fact that the biological parent, adoptive parent or the adopted person has died.

Sec. 5. 22 MRSA §2765, sub-§1, ¶A is amended to read:

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 identify the original certificate and establish the new certificate of birth; except that a new certificate shall not be established if so requested by the adopting parents or the adopted person if the adopted person is 18 years of age or older;

Sec. 6. 22 MRSA §2765, sub-§§1-C to 1-E are enacted to read:

1-C. Content of certificate after adoption. When a new certificate of birth is established under subsection 1, paragraph A, or subsections 1-A and 1-B, the actual place and date of birth must be shown and the name of the child and the names and characteristics of the adoptive parents, as indicated in the decree of adoption and the certificate of adoption, must be entered on the new birth certificate. The new certificate must carry a notation that it has been amended and all items that have been revised pursuant to the adoption decree must be identified. The notation "court action" and the date of the adoption decree must be shown on the new certificate.

1-D. New certificate not established after adoption. When the adoptive parents or the adoptee request that a new birth certificate not be established as specified in subsection 1, paragraph A, or in subsection 1-A, paragraph C, the original certificate must bear the notation "amended" and "legal parentage has been changed by court action" and must show the date of the adoption decree.

1-E. Content of certificate after legitimation. When a new certificate is established under subsection 1, paragraph B, the actual place and date of birth, the name of the child and the names and characteristics of both parents must be shown. Notwithstanding section 2705, the new certificate may not be marked "amended." The new certificate must be filed with all other birth certificates and is not subject to the provisions of section 2706, subsection 1, or section 2761, subsection 4.

Sec. 7. 22 MRSA §2765, sub-§2 is amended to read:

2. Original certificate not subject to inspection. When ~~if~~ a new certificate of birth is established ~~the actual place and date of birth shall be shown.~~ ~~It~~, it shall be substituted for the original certificate of birth. Thereafter, the original certificate of birth and the evidence of adoption or legitimation

1 shall not be subject to inspection except upon order of a probate  
2 court or the Superior Court.

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6

### STATEMENT OF FACT

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This bill makes several changes to vital statistics provisions pertaining to adoptions.

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The bill requires that certificates of birth issued after adoption be marked as amended, and specify the content.

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The bill provides that certificates of birth issued after legitimation are not marked as amended.

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The bill amends the adoption registry law. The adoption registry law currently provides that only adult adopted persons, adoptive parents on behalf of minor adoptees and biological parents may register for a possible reunion. This bill broadens the categories to allow for registration by other persons who would otherwise be foreclosed from registering and thereby making contact, including a person whose adoption was annulled, adoptive parents of adopted persons who are deceased, relatives of deceased biological parents, adult siblings of adoptees and custodians or guardians of minor incapacitated adult adoptees.

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The bill requires the state registrar to provide information about sources of counseling support to any person registering with the adoption registry or requesting contact.

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The bill clarifies the language regarding original certificates of birth if a new certificate is established after adoption.