

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 929

S.P. 339

In Senate, March 4, 1991

Submitted by the Department of Human Services pursuant to Joint Rule 24.  
Received by the Secretary of the Senate on March 4, 1991. Referred to the Committee on  
Judiciary and 1,400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SUMMERS of Cumberland  
Cosponsored by Representative AIKMAN of Poland and Representative KETOVER of  
Portland.

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STATE OF MAINE

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

---

**An Act to Revise Provisions for a New Birth Certificate after Adoption.**

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

2

3       Sec. 1. 22 MRSA §2765, sub-§1-A, as enacted by PL 1979, c.  
4 168, §1, is amended to read:

6

7       1-A. **Persons born in a foreign country.** The state  
8 registrar shall establish a Maine certificate of birth for a  
9 person born in a foreign country and for whom a ~~final-order~~  
10 decree of adoption has been entered in a court of competent  
11 jurisdiction in Maine when he the registrar receives the  
12 following:

12

13       A. A certificate of adoption as provided in Title 19,  
14 section 533; and

16

17 ~~B. A certificate of birth data from the records of the~~  
18 ~~United States Immigration and Naturalization Service; and~~

18

19       C. A request that a new certificate be established. A Maine  
20 certificate of birth shall may not be established, if so  
21 requested by the court decreeing the adoption, the adoptive  
22 parents or the adopted person, if he the adopted person is  
23 18 years of age or older.

24

25       Sec. 2. 22 MRSA §2765, sub-§2-A, ¶A, as enacted by PL 1989, c.  
26 818, §10, is amended to read:

28

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

36

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

44

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

2

**STATEMENT OF FACT**

4

6 Current law requires that certificate of birth data from the  
8 records of the United States Immigration and Naturalization  
10 Services be presented to the state registrar before a Maine birth  
12 certificate is established following adoption of a person born in  
14 a foreign country. Because the United States Immigration and  
16 Naturalization Services has discontinued use of this document,  
18 this bill deletes this requirement.

14 Prior to 1990, personal data on adoptive parents at the time  
16 of the child's birth was entered on the post-adoption birth  
18 certificate. This law was changed to require that personal data  
at the time of adoption be entered on the new birth certificate.  
This bill specifies that the parent's personal data at the time  
of the child's birth must be entered on the new certificate  
prepared after adoption.