

MAINE STATE LEGISLATURE

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No. 1084

H.P. 802

House of Representatives, March 6, 2007

An Act To Provide Adult Adoptees Access to Their Original Birth Certificates

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FARRINGTON of Gorham.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: CASAVANT of Biddeford, Speaker CUMMINGS of Portland, HAMPER of
Oxford, SOCTOMAH of the Passamaquoddy Tribe, TUTTLE of Sanford, Senators: BENOIT
of Sagadahoc, BROMLEY of Cumberland, NUTTING of Androscoggin.

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

2 **Sec. 1. 18-A MRSA §9-310, first ¶**, as enacted by PL 1995, c. 694, Pt. C, §7 and
3 affected by Pt. E, §2, is amended to read:

4 Notwithstanding any other provision of law and except as provided in Title 22,
5 section 2768, all Probate Court records relating to any adoption decreed on or after
6 August 8, 1953 are confidential. The Probate Court shall keep records of those adoptions
7 segregated from all other court records. If a judge of probate court determines that
8 examination of records pertaining to a particular adoption is proper, the judge may
9 authorize that examination by specified persons, authorize the register of probate to
10 disclose to specified persons any information contained in the records by letter, certificate
11 or copy of the record or authorize a combination of both examination and disclosure.

12 **Sec. 2. 22 MRSA §2765, sub-§2-A, ¶C**, as amended by PL 2001, c. 574, §24, is
13 further amended to read:

14 C. When a new certificate of birth is established following adoption or legitimation,
15 it must be substituted for the original certificate of birth. After that substitution, the
16 original certificate of birth and the evidence of adoption are not subject to inspection
17 except upon order of the Probate Court or the Superior Court or pursuant to section
18 2768. The application for legitimation may be released to persons listed on the
19 original birth certificate upon completion of written application to the State Registrar
20 of Vital Statistics or the registrar's designee.

21 **Sec. 3. 22 MRSA §2765, sub-§5**, as amended by PL 1979, c. 168, §2, is further
22 amended to read:

23 **5. Copies of original certificate.** When the new certificate of birth is established,
24 the state registrar shall provide each municipal clerk who is required by law to have a
25 copy of the certificate of birth on file with a copy of the new certificate of birth. In the
26 case of a Maine certificate of birth established for a person born in a foreign country, a
27 copy of the certificate ~~shall must~~ be provided to and ~~shall must~~ be maintained on file by
28 the clerk of the municipality where the adoptive parents resided on the date of the
29 adoption. All copies of the original certificate in the custody of any municipal clerk ~~shall~~
30 must be sealed from inspection, except as provided in section 2768, or surrendered to the
31 state registrar as ~~he shall direct~~ the state registrar directs.

32 **Sec. 4. 22 MRSA §2768** is enacted to read:

33 **§2768. Access to original birth certificate by adopted person**

34 An adopted person, the adopted person's attorney or, if the adopted person is
35 deceased, the adopted person's descendants may obtain a copy of that person's original
36 certificate of birth from the State Registrar of Vital Statistics, referred to in this section as
37 "the state registrar," in accordance with this section.

38 **1. Requirements.** The adopted person must be at least 18 years of age and have
39 been born in this State.

1 **2. Application.** The adopted person must file a written application with and provide
2 appropriate proof of identification to the state registrar.

3 **3. Issuance of birth certificate and forms.** Upon receipt of the written application
4 and proof of identification pursuant to subsection 2 and fulfillment of the requirements of
5 subsection 4, the state registrar shall issue a noncertified copy of the unaltered original
6 certificate of birth to the applicant. If a contact preference or medical history form has
7 been completed and submitted to the state registrar pursuant to section 2769, the state
8 registrar also must provide that information.

9 **4. Fees; waiting period.** The state registrar may require a waiting period and
10 impose a fee for the noncertified copy provided pursuant to subsection 3. The fees and
11 waiting period imposed under this subsection must be identical to the fees and waiting
12 period generally imposed on persons seeking their own birth certificates.

13 **5. Forms; rules.** The state registrar shall develop by rule the application form as
14 required by this section and may adopt other rules for the administration of this section.
15 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
16 chapter 375, subchapter 2-A.

17 **Sec. 5. 22 MRSA §2769** is enacted to read:

18 **§2769. Contact preference and medical history forms**

19 The State Registrar of Vital Statistics shall provide upon request each birth parent a
20 contact preference form and a medical history form as described in this section.

21 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
22 following terms have the following meanings.

23 A. "Adoptee" means the person who is the subject of a birth certificate.

24 B. "Birth parent" means the person who is the biological parent of an adoptee and
25 who is named as the parent on the original birth certificate of the adoptee.

26 C. "Contact preference form" means the form developed by the state registrar
27 pursuant to subsection 3.

28 D. "Medical history form" means the form developed by the state registrar pursuant
29 to subsection 2.

30 E. "State registrar" means State Registrar of Vital Statistics.

31 **2. Medical history form.** The state registrar shall develop and distribute upon
32 request to birth parents a medical history form. A birth parent may use this form to
33 describe the medical history of the birth parent. A birth parent shall fill out a medical
34 history form if that birth parent fills out a contact preference form.

35 **3. Contact preference form.** The state registrar shall develop a contact preference
36 form on which a birth parent may state a preference regarding contact by an adoptee. The
37 form must contain the following statements from which the birth parent may choose only
38 one.

1 A. "I would like to be contacted. I have completed this contact preference form and
2 a medical history form and am filing them with the State Registrar of Vital
3 Statistics."

4 B. "I would prefer to be contacted only through an intermediary. I have completed
5 this contact preference form and a medical history form and am filing them with the
6 State Registrar of Vital Statistics."

7 C. "I would prefer not to be contacted. I may change this preference by filling out
8 another contact preference form. I have completed this contact preference form and a
9 medical history form and am filing them with the State Registrar of Vital Statistics."

10 4. Attachment of forms to birth certificate; treatment. Upon receipt of a
11 completed contact preference form or medical history form, the state registrar shall attach
12 the completed form to the original birth certificate of the adoptee. A completed contact
13 preference form and medical history form have the same level of confidentiality as the
14 original birth certificate.

15 5. Forms; rules. The state registrar shall develop by rule the forms as required by
16 this section and may adopt other rules for the administration of this section. Rules
17 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
18 chapter 375, subchapter 2-A.

19 **Sec. 6. Effective date.** This Act takes effect January 1, 2009.

20 **SUMMARY**

21 This bill establishes a process by which an adult adopted person may obtain a copy of
22 that person's original, unaltered birth certificate. This bill also allows a birth parent to
23 include with the child's original birth certificate a form that indicates whether the parent
24 wishes to be contacted by the child and a medical history form.