

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 505

S.P. 166

In Senate, February 9, 2017

An Act To Amend the Laws Governing the Issuance of Birth Certificates for Adopted Persons Born in Maine

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DOW of Lincoln.
Cosponsored by Representative HICKMAN of Winthrop and
Senator: DESCHAMBAULT of York, Representatives: BATTLE of South Portland,
SIMMONS of Waldoboro.

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

Sec. 1. 22 MRSA §2765, sub-§1, ¶A, as amended by PL 1995, c. 694, Pt. D, §30 and affected by Pt. E, §2, is repealed.

Sec. 2. 22 MRSA §2765, sub-§2-A, as amended by PL 2009, c. 601, §20, is further amended to read:

2-A. Certificate after adoption of person born in foreign country or legitimation. This subsection governs birth certificates after adoption of a person born in a foreign country or legitimation.

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

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

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

B. When a new certificate is established after legitimation pursuant to subsection 1, paragraph B, the actual place and date of birth, the name of the child and the names and personal data of both parents at the time of birth 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 2761, subsection 4.

C. When a new certificate of birth is established following adoption pursuant to subsection 1-A or legitimation, it must be substituted for the original certificate of birth. After that substitution, the original certificate of birth and the evidence of adoption are not subject to inspection except upon order of the Probate Court or the Superior Court or pursuant to section 2768. The application for legitimation may be released to persons listed on the original birth certificate upon completion of written application to the State Registrar of Vital Statistics or the registrar's designee.

SUMMARY

This bill amends the laws governing adoption to eliminate the provision of law that requires that upon adoption of a person born in Maine, unless the adoptive parents or adopted person who is at least 18 years of age requests otherwise, the original birth certificate of the adopted person be sealed and a new certificate showing the adoptive parents as the parents of birth be created.