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HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 32, L.D. 24, “An Act Regarding Certificates of Birth, Marriage and Death”

Amend the bill in section 3 in §2703 in the first indented paragraph in the 3rd line (page 1, line 35 in L.D.) by striking out the following: "birth" and inserting the following: 'birth'

Amend the bill in section 4 in subsection 6 in the 3rd line (page 1, line 41 in L.D.) by striking out the following: "biological" and inserting the following: 'biological genetic'

Amend the bill by inserting after section 4 the following:

'Sec. 5. 22 MRSA §2706-A, as amended by PL 1989, c. 818, §4-7, is further amended to read:

§2706-A. Adoption contact files

1. File. The state registrar shall maintain files of the names and addresses of adopted persons and their adoptive and biological genetic parents; who have registered under this section.

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;

(b) Whose adoption was annulled;

(c) Whose adoptive parents surrendered and released parental rights to that person or had their parental rights terminated; or

(d) Who was freed for adoption but was never subsequently adopted;

(2) An adoptive parent if:

(a) The adopted person is under 18 years of age;

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- 1 (b) The adopted person is deceased; or
2 (c) The adopted person is at least 18 years of age and is determined by a court
3 to be incapacitated; and
4 (3) The legal custodian or guardian of:
5 (a) A person whose adoption was annulled, who was surrendered and released
6 by that person's adoptive parents or whose adoptive parents' parental rights
7 were terminated;
8 (b) An adopted person under 18 years of age who:
9 (i) Has been removed from the custody or guardianship of that person's
10 adoptive parents by order of a court; or
11 (ii) Was freed for adoption but was never subsequently adopted; or
12 (c) An adopted person who is at least 18 years of age and has been determined
13 by a court to be incapacitated.
- 14 B. The following persons may register their names and addresses with the state
15 registrar and request contact with an adopted person or a person freed for adoption as
16 specified in paragraph A:
17 (1) A ~~biological~~ genetic parent of an adopted person or of a person freed for
18 adoption but not subsequently adopted;
19 (2) The legal custodian or guardian of a person under 18 years of age whose full
20 sibling or half-sibling is an adopted person or a person freed for adoption;
21 (3) If a ~~biological~~ genetic parent of an adopted person or a person freed for
22 adoption is deceased, a ~~biological~~ genetic mother, legal father, grandparent,
23 sibling, half-sibling, aunt, uncle or first cousin of the deceased ~~biological~~ genetic
24 parent; and
25 (4) A ~~biological~~ genetic sibling or half-sibling, who is at least 18 years of age, of
26 an adopted person or a person freed for adoption.
- 27 C. At the time of registration, each registrant shall indicate with which of the persons
28 specified in paragraphs A and B contact is desired.
- 29 D. A registrant may withdraw from the adoption registry at any time by submitting a
30 written request to the state registrar.
- 31 E. When an adopted person reaches 18 years of age and has not been determined by a
32 court to be incapacitated, the state registrar, after mailing notice to the registrant, shall
33 delete from the adoption registry any prior registration under paragraph A,
34 subparagraph (2), division (a), or subparagraph (3), division (b).
- 35 **3. Certification of identity and relationship.** The state registrar shall require each
36 person registering or requesting contact to provide certification of the registrant's identity
37 and relationship to the person with whom contact is desired and any additional information
38 that is necessary to ensure accurate identification of the registrant and assist in identifying
39 the other party.

1 **3-A. Providing information about available counseling.** The state registrar shall
2 provide information about sources of counseling to any person registering or requesting
3 contact.

4 **4. Reviewing departmental files.** The state registrar may review both public and
5 confidential departmental files to assist in identifying or verifying the identification of the
6 other party. If both parties have registered, ~~he~~ the state registrar may release those names
7 and addresses even if the relationship was identified or verified by the use of confidential
8 departmental files. ~~He~~ The state registrar may charge a fee for the assistance, which ~~shall~~
9 must reasonably reflect the cost of providing it.

10 **5. Request for contact.** When the state registrar has requests for contact from a person
11 specified in subsection 2, paragraph A, and a person specified in subsection 2, paragraph
12 B, that are related to the same adoption and both persons indicated at the time of registration
13 that contact with the other person was desired, the state registrar shall notify each party of
14 the name and address of the other party and of sources of counseling. If a biological genetic
15 parent, an adoptive parent or an adopted person registered under this section has made a
16 request for contact and the party being sought died in the State, the state registrar shall
17 disclose to the requesting party the fact that the biological genetic parent, adoptive parent
18 or the adopted person has died.

19 **6. Confidentiality.** Except as provided in subsection 5, the files established under this
20 section ~~shall be~~ are confidential and not open to public inspection.

21 **7. Public information.** The state registrar shall, by appropriate means, make known
22 to the public the existence of the adoption contact files, the assistance the department may
23 offer and the purposes of those files.'

24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
25 number to read consecutively.

26

SUMMARY

27 This amendment, which is the unanimous report of the committee, removes the word
28 "birth" from the term "electronic birth registration system" because the bill refers to
29 marriage and death records in addition to birth records with regard to filing records in an
30 electronic registration system. It also makes technical changes to align the law with the
31 Maine Parentage Act and makes other technical changes.