



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 that reads "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.

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

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 E, §2, is repealed.

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

6 **2-A. Certificate after adoption of person born in foreign country or**
7 **legitimation.** This subsection governs birth certificates after adoption of a person born in
8 a foreign country or legitimation.

9 A. When a new birth certificate is established after adoption pursuant to ~~subsection~~
10 ~~1, paragraph A~~, or subsection 1-A, the actual place and date of birth, the names and
11 personal data of the adoptive parents at the time of the child's birth and the name of
12 the child after adoption must be entered on the new birth certificate.

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

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

22 B. When a new certificate is established after legitimation pursuant to subsection 1,
23 paragraph B, the actual place and date of birth, the name of the child and the names
24 and personal data of both parents at the time of birth must be shown.
25 Notwithstanding section 2705, the new certificate may not be marked "amended."
26 The new certificate must be filed with all other birth certificates and is not subject to
27 the provisions of section 2761, subsection 4.

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

35 **SUMMARY**

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