CHAPTER 703

BIRTH RECORDS

§2761. Registration of live births

A certificate of each live birth that occurs in this State must be filed with the clerk of the municipality in which the live birth occurred or with the state registrar within a reasonable period of time as specified by department rules and must be registered if the certificate has been completed and filed in accordance with this section. [PL 2009, c. 601, §16 (AMD).]

1. Certificate from hospital. When the live birth occurs in a hospital or an institution, or en route to the hospital or institution, the person in charge of the institution or the person's authorized designee shall obtain the personal data, prepare the certificate, certify by signature or by electronic process that the child was born alive at the place and time and on the date stated and file the certificate as directed in this section. The physician or other person in attendance shall provide the medical information required by the certificate in a timely fashion, as specified by department rule.
[PL 2009, c. 601, §17 (AMD).]

2. Date of birth.
[PL 1995, c. 260, §6 (RP).]

3. Birth outside an institution. When a birth occurs outside an institution, the certificate must be prepared and filed by one of the following in the indicated order of priority:

A. The physician or other person in attendance at or immediately after the birth; [PL 1995, c. 260, §6 (AMD).]

B. The father; [PL 1995, c. 260, §6 (AMD).]

C. The mother; or [PL 1995, c. 260, §6 (AMD).]

D. The person in charge of the premises where the live birth occurred.
[PL 1995, c. 260, §6 (AMD).]

3-A. Parentage. For the purposes of birth registration, the mother is deemed to be the woman who gives birth to the child, unless otherwise determined by a court of competent jurisdiction prior to the filing of the birth certificate or unless an attested copy of a gestational carrier agreement as defined in Title 19-A, section 1832, subsection 11 is presented that provides otherwise. If the mother was married at the time of either conception or birth, or between conception and birth, the name of the spouse must be entered on the certificate as the parent of the child, unless parentage has been determined otherwise by a court of competent jurisdiction or unless an attested copy of a gestational carrier agreement is presented that provides otherwise.
[PL 2015, c. 296, Pt. C, §25 (AMD); PL 2015, c. 296, Pt. D, §1 (AFF).]

4. Child not born of marriage. Except as otherwise provided in this subsection, if the mother was not married at the time of either conception or birth, or between conception and birth, neither the name of the putative father nor any other information about the putative father may be entered on the certificate without the putative father's written consent and that of the mother. The signature of the putative father on the written consent must be acknowledged before an official authorized to take oaths. The signature of the mother on the mother's written consent must also be acknowledged before an official authorized to take oaths. If a determination of paternity has been made by a court of competent jurisdiction, then the name of the father as determined by the court must be entered on the birth certificate without the father's or the mother's consent. If the putative father executes an acknowledgement of paternity with the department and the putative father is either named in writing

by the mother as the father or is presumed to be the father based on the results of blood or tissue-typing tests, the name of the father must be entered on the birth certificate without the father's or the mother's consent. All voluntary acknowledgments and adjudications of paternity in this State must be filed with the Office of Data, Research and Vital Statistics for comparison with information in the state registry of support orders as established in Title 19-A, section 2104.
[RR 2021, c. 2, Pt. B, §137 (COR).]

4-A. Information verified. Either of the parents of the child or an informant shall verify the accuracy of the personal data to be entered on the certificate.
[PL 1995, c. 260, §6 (NEW).]

5. Certificate signed by father and mother.
[PL 1995, c. 260, §6 (RP).]

6. Disclosure of social security number. In connection with the preparation and issuance of a birth certificate pursuant to this section, section 2764 or section 2765, each parent shall furnish the social security account number, or numbers if the parent has more than one number, issued to the parent unless the State Registrar of Vital Statistics, in accordance with regulations prescribed by the Secretary of the United States Department of Health and Human Services, finds good cause for not requiring the furnishing of those numbers. The state registrar shall make numbers furnished under this subsection available to the department in its capacity as the state agency administering the State's plan under the United States Social Security Act, Title IV, Part D. Except as required by federal law, those numbers may not be recorded on the birth certificate in such a manner that the numbers would appear on a certified copy of the certificate. Except as required by federal law, the department may not use any social security number, obtained with respect to the issuance of a birth certificate, for any purpose other than for the administration of the State's plan under the United States Social Security Act, Title IV, Part D. The department shall adopt rules to implement this subsection.
[PL 1993, c. 94, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 188 (AMD). PL 1985, c. 683 (AMD). PL 1987, c. 187 (AMD). PL 1987, c. 266, §§1-3 (AMD). PL 1993, c. 94, §1 (AMD). PL 1993, c. 410, §V13 (AMD). PL 1995, c. 260, §6 (AMD). PL 1997, c. 537, §57 (AMD). PL 1997, c. 537, §62 (AFF). PL 2001, c. 574, §23 (AMD). PL 2009, c. 601, §§16-18 (AMD). PL 2015, c. 296, Pt. C, §25 (AMD). PL 2015, c. 296, Pt. D, §1 (AFF). RR 2021, c. 2, Pt. B, §137 (COR).

§2761-A. Baptismal records in lieu of birth certificates

Any Native American whose birth is not recorded pursuant to this Title relating to the registration of live births may, in lieu of a birth certificate, present an official copy of the baptismal record from the files of the mission where the Native American was baptized. The baptismal record has the same evidentiary character as an unamended and undelayed birth certificate under section 2707. [PL 2009, c. 601, §19 (AMD).]

SECTION HISTORY

PL 1993, c. 738, §C4 (NEW). PL 2009, c. 601, §19 (AMD).

§2761-B. Hospital-based paternity acknowledgement

1. Birthing center. As used in this section, "birthing center" means a hospital or other facility that provides childbirth services.
[PL 1995, c. 419, §29 (NEW).]

2. Procedure. A birthing center shall provide an opportunity for all unmarried parents to complete a voluntary acknowledgement of paternity. A birthing center shall provide to each unmarried mother and alleged father, if present, written information about paternity establishment provided by the

department, forms needed to voluntarily acknowledge paternity and the opportunity to speak with a person who is trained to clarify information and answer questions about paternity establishment. The birthing center shall forward all completed acknowledgement forms to the department.
[PL 1995, c. 419, §29 (NEW).]

3. Written information. The department shall develop an acknowledgement form and written information for use by birthing centers in carrying out the requirements of this section. The information must include a description of the benefits and responsibilities of paternity establishment. The information must include instructions on completing the acknowledgement form.
[PL 1995, c. 419, §29 (NEW).]

4. Technical assistance. The department shall provide birthing centers with training and technical assistance as needed to carry out the requirements of this section.
[PL 1995, c. 419, §29 (NEW).]

5. Reimbursement. The department may establish by rule a fee to reimburse birthing centers for each voluntary acknowledgement of paternity form completed.
[PL 1995, c. 419, §29 (NEW).]

6. Rulemaking. The department shall adopt rules to implement this section that comply with all applicable federal regulations.
[PL 1995, c. 419, §29 (NEW).]

SECTION HISTORY

PL 1995, c. 419, §29 (NEW).

§2761-C. Certificate of birth resulting in stillbirth

Upon request of a parent, in the event of an unintentional intrauterine death of a fetus of 20 or more weeks of gestation, the department shall issue a certificate of birth resulting in stillbirth bearing the official seal of the State. The certificate must be based upon information drawn from a previously filed certificate of fetal death under section 2841. [PL 2009, c. 311, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 311, §1 (NEW).

§2762. Return of all births

(REPEALED)

SECTION HISTORY

PL 1975, c. 140, §4 (RP).

§2763. Birth certificates of foundlings; report

Whoever assumes the custody of a child of unknown parentage shall immediately report to the Office of Data, Research and Vital Statistics in writing: [PL 2011, c. 511, §6 (AMD).]

1. Date and place of finding. The date and place of finding or assumption of custody;

2. Sex, color, age. Sex; color or race; and approximate age of child;

3. Name and address of custodian. Name and address of the person or institution with whom the child has been placed for care;

4. Name. Name given to the child by the finder or custodian.

The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation. The report shall constitute the certificate of

birth. If the child is thereafter identified, the record of birth made in compliance herewith and any certificate issued thereon shall be null and void and so recorded.

SECTION HISTORY

PL 2011, c. 511, §6 (AMD).

§2764. Delayed birth registration

In order to provide an official record of statements concerning births which have occurred in this State, the state registrar shall accept a registration of any birth of which no record can be found in either the files of the state registrar or the clerk of the municipality where the birth occurred, provided such registration is filed in accordance with this section.

1. Certificate of live birth. A certificate of live birth on the prescribed form must be filed with the Office of Data, Research and Vital Statistics if the date of filing is more than 7 days but not more than one year after the date of birth. The state registrar may prescribe the evidence of the facts of birth to be presented in the event none of the persons specified in section 2761 are available to sign the certificate.
[PL 2011, c. 511, §7 (AMD).]

2. Delayed registration of birth. When the birth occurred more than one year prior to the date of filing, it must be registered on a form entitled "Delayed Registration of Birth." The form must provide for the following information and such other data as may be required by the department:

A. A statement by the applicant including the name and sex of the person whose birth is to be registered, the place and date of birth, the name and birthplace of the father and the maiden name and birthplace of the mother; [PL 2011, c. 511, §7 (AMD).]

B. The signature of the registrant, or a parent or guardian if the registrant is under 15 years of age or is mentally incompetent;

C. The signature of the registrant must be acknowledged before an official authorized to take oaths; [PL 2011, c. 511, §7 (AMD).]

D. A description of each document submitted in support of the delayed birth registration; and

E. The date of filing.
[PL 2011, c. 511, §7 (AMD).]

3. Description of evidence completed and filed. The state registrar shall complete the description of evidence required on the delayed registration of birth and accept and file the certificate, provided the following evidence is submitted in support of the facts of birth.

A. If the birth occurred more than one year but less than 15 years prior to the date of filing, the facts of birth stated by the applicant must be supported by at least 2 documents, only one of which may be an affidavit of personal knowledge; or [PL 2011, c. 511, §8 (AMD).]

B. If the birth occurred more than 15 years prior to the date of filing, the date and place of birth must be supported by at least 3 documents, only one of which may be an affidavit of personal knowledge, and the names of the parents must be supported by at least one document, which may be any one of the 3 submitted in evidence of the place and date of birth.

C. Any document accepted as evidence, other than the affidavit of personal knowledge, shall be at least 5 years old, or shall be a copy or abstract of a record made at least 5 years prior to the date of filing and certified as a true and correct copy by the custodian of the record.
[PL 2011, c. 511, §8 (AMD).]

4. Deficiencies. When the applicant does not submit documentation as specified in subsections 2 and 3 in support of the applicant's statements, or when the state registrar finds reason to question the

adequacy of the documentation, the state registrar may not sign or accept the delayed registration of birth, but shall advise the applicant of its deficiencies and request that further documentation be submitted.
[RR 2021, c. 2, Pt. B, §138 (COR).]

5. Attested copy to municipality. After the delayed birth registration has been accepted, the state registrar shall forward an attested copy to the clerk of the municipality where the birth occurred or, in case of a birth in an unincorporated place, to the municipal clerk specified by the state registrar.
[PL 2011, c. 511, §9 (AMD).]

6. Form. Any certified copy of a delayed birth registration filed under this section shall be issued on a form which indicates that it is a copy of a delayed birth registration, and shall contain a description of the documents submitted in evidence.

SECTION HISTORY

PL 2011, c. 511, §§7-9 (AMD). RR 2021, c. 2, Pt. B, §138 (COR).

§2765. New certificate of birth following adoption, legitimation or gender marker change

1. New certificate of birth. The state registrar shall establish a new certificate of birth for a person born in this State when the state registrar receives the following:

A. A certificate of adoption as provided in Title 18-C, section 9-304, or a certified copy of the decree of adoption along with the information necessary to identify the original certificate and establish the new certificate of birth, except that a new certificate may not be established if so requested by the adopting parents or the adopted person if the adopted person is at least 18 years of age; [PL 2017, c. 402, Pt. C, §47 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. A request that a new certificate be established and such evidence as the department may require by rule proving that the person has been legitimated; and [PL 2021, c. 309, §3 (AMD).]

C. An application for gender marker change. [PL 2021, c. 309, §4 (NEW).]
[PL 2021, c. 309, §§3, 4 (AMD).]

1-A. Persons born in a foreign country. The state registrar shall establish a Maine certificate of birth for a person born in a foreign country and for whom a decree of adoption has been entered in a court of competent jurisdiction in Maine when the registrar receives the following:

A. A certificate of adoption as provided in Title 18-C, section 9-304; and [PL 2017, c. 402, Pt. C, §48 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. [PL 1991, c. 167, §1 (RP).]

C. A request that a new certificate be established. A Maine certificate of birth may not be established, if so requested by the court decreeing the adoption, the adoptive parents or the adopted person, if the adopted person is 18 years of age or older. [PL 1991, c. 167, §1 (AMD).]
[PL 2017, c. 402, Pt. C, §48 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

1-B. Content of certificate. Any birth certificate issued under subsection 1-A shall show the true or probable foreign country of birth and shall indicate that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents.
[PL 1979, c. 168, §1 (NEW).]

2. Original certificate not subject to inspection.
[PL 1989, c. 818, §9 (RP).]

2-A. Certificate after adoption, legitimation or gender marker change. This subsection governs birth certificates after adoption, legitimation or gender marker change.

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. [PL 1991, c. 167, §2 (AMD).]

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. [PL 2009, c. 601, §20 (AMD).]

C. When a new certificate of birth is established following adoption, legitimation or gender marker change, it must be substituted for the original certificate of birth. After that substitution, the original certificate of birth and the evidence of adoption or application for gender marker change 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. [PL 2021, c. 309, §5 (AMD).]

[PL 2021, c. 309, §5 (AMD).]

2-B. Certificate after gender marker change. When a new birth certificate is established after changes are made to the gender marker pursuant to subsection 1, paragraph C or subsection 2-A, the requested gender marker and, if requested at the same time, the first and middle names as they appear on the application must be entered on the new birth certificate. A new birth certificate may be requested by a parent on behalf of a minor.

The new birth certificate may not be marked "amended." The new birth certificate must be filed with all other birth certificates.

Additional requirements may be specified in rules adopted by the department.
[PL 2021, c. 309, §6 (NEW).]

3. Original certificate restored. Upon receipt of notice of an annulment or revocation of adoption, the original certificate shall be restored to its place in the files and the new certificate and evidence of adoption shall not be subject to inspection except upon order of a probate court or the Superior Court.

4. Delayed birth registration. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed birth registration shall be filed as provided by law before a new certificate of birth is established.

5. Copies of original certificate. When the new certificate of birth is established, the state registrar shall provide each municipal clerk who is required by law to have a copy of the certificate of birth on file with a copy of the new certificate of birth. In the case of a Maine certificate of birth established for a person born in a foreign country, a copy of the certificate must be provided to and must be maintained on file by the clerk of the municipality where the adoptive parents resided on the date of the adoption.

All copies of the original certificate in the custody of any municipal clerk must be sealed from inspection, except as provided in section 2768, or surrendered to the state registrar as the state registrar directs.
[PL 2007, c. 409, §3 (AMD); PL 2007, c. 409, §6 (AFF).]

SECTION HISTORY

PL 1979, c. 168, §§1,2 (AMD). PL 1989, c. 818, §§8-10 (AMD). PL 1991, c. 167, §§1,2 (AMD). PL 1993, c. 686, §§6,7 (AMD). PL 1993, c. 686, §13 (AFF). PL 1995, c. 694, §§D30,31 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2001, c. 574, §24 (AMD). PL 2007, c. 409, §§2, 3 (AMD). PL 2007, c. 409, §6 (AFF). PL 2009, c. 601, §20 (AMD). PL 2017, c. 402, Pt. C, §§47, 48 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2021, c. 309, §§2-6 (AMD).

§2766. Statement of birth parents' identity

A person 18 years of age or older, born and adopted in this State, may apply to the state registrar for a statement identifying that person's birth parents. The adoptee shall submit to the state registrar the following: [RR 2021, c. 2, Pt. B, §139 (COR).]

1. Proof. Proof that the birth parents are deceased;
[PL 1983, c. 356 (NEW).]

2. Affidavit. An affidavit from a blood relative who is not a sibling and who is at least 10 years older than the adoptee, verifying that the adoptee lived with the birth parents for 5 years; and
[PL 1983, c. 356 (NEW).]

3. Order. An order from the Probate Court or Superior Court authorizing the state registrar to open the original birth certificate to verify the identity of the birth parents.
[PL 1983, c. 356 (NEW).]

Upon verification of the information in this section, the state registrar shall prepare a form identifying the birth parents of the adoptee. This form must be attached to the new certificate of birth established pursuant to section 2765. A copy of the form must be attached to an abstract of birth issued by the Office of Data, Research and Vital Statistics and must be provided to the adoptee. [PL 2009, c. 601, §21 (AMD).]

A statement of identification of the birth parents shall not affect the rights of inheritance and descent. The form shall contain the following words in a conspicuous place: "This statement shall not affect the rights of inheritance and descent of the adoptee." [PL 1983, c. 356 (NEW).]

SECTION HISTORY

PL 1983, c. 356 (NEW). PL 2001, c. 574, §25 (AMD). PL 2009, c. 601, §21 (AMD). RR 2021, c. 2, Pt. B, §139 (COR).

§2767. Amendment of certificate of birth of adult

(REPEALED)

SECTION HISTORY

PL 2003, c. 585, §2 (NEW). PL 2017, c. 5, §2 (RP).

§2767-A. Amendment of birth certificate of adult

1. Addition of parent to birth certificate based on genetic testing. The State Registrar of Vital Statistics shall amend the birth certificate of a person 18 years of age or older born in this State for the purpose of identifying a genetic parent who was not known or listed at the time of birth when the state registrar has received the following:

A. A signed, notarized request to amend the birth certificate from the adult subject of the birth certificate; [PL 2023, c. 323, §2 (AMD).]

B. Either the written, notarized consent of the genetic parent to be named on the amended birth certificate or a certified copy of the death certificate of the genetic parent to be named on the amended birth certificate; and [PL 2017, c. 5, §3 (NEW).]

C. Evidence of genetic parentage based on testing of deoxyribonucleic acid, DNA, that includes:

(1) A notarized report of the results of the DNA testing; and

(2) Notarized documentation of the chain of custody of the blood and tissue samples examined in the testing.

The testing must be of a type generally acknowledged as reliable by accreditation bodies designated by the federal Secretary of Health and Human Services, and it must be performed by a laboratory approved by an accreditation body designated by the federal Secretary of Health and Human Services. [PL 2017, c. 5, §3 (NEW).]

The process for amending a birth certificate under this subsection may not be used to replace a parent listed on the birth certificate. A genetic parent who was not known or listed at the time of birth may be added to a birth certificate under this subsection even if more than 2 parents will be listed on the birth certificate as a result of the amendment.
[PL 2023, c. 323, §2 (AMD).]

2. Effect. If the request submitted pursuant to subsection 1 does not contain the written, notarized consent of the genetic parent to be named on the amended birth certificate, amendment of the birth certificate pursuant to this section does not affect the rights of inheritance and descent and the amended birth certificate must contain the following words in a conspicuous place: "This birth certificate has been amended to identify a genetic parent not known or listed at the time of birth. This amendment does not affect the rights of inheritance or descent of the subject of the birth certificate."
[PL 2023, c. 323, §2 (AMD).]

3. Amendment of birth certificate based on voluntary acknowledgment of parentage. The State Registrar of Vital Statistics shall amend the birth certificate of a person 18 years of age or older born in this State for the purpose of identifying a parent who was not known or listed at the time of birth if the birth certificate lists only one parent or if a parent listed on the birth certificate will be replaced with a new parent when the state registrar has received the following:

A. A signed, notarized request to amend the birth certificate from the adult subject of the birth certificate; [PL 2023, c. 323, §2 (NEW).]

B. A properly executed voluntary acknowledgment of parentage that complies with the requirements of Title 19-A, chapter 61, subchapter 3; and [PL 2023, c. 323, §2 (NEW).]

C. If the acknowledged parent will replace a parent listed on the birth certificate, a properly executed denial of parentage from the parent to be replaced that meets the requirements of Title 19-A, chapter 61, subchapter 3. [PL 2023, c. 323, §2 (NEW).]
[PL 2023, c. 323, §2 (NEW).]

4. Amendment of birth certificate based on adoption or parentage action. The State Registrar of Vital Statistics shall amend the birth certificate of a person 18 years of age or older born in this State in response to a request by the adult that the adult's birth certificate reflect the adult's parentage as set forth in:

A. A court order adjudicating parentage pursuant to Title 19-A, chapter 61; or [PL 2023, c. 323, §2 (NEW).]

B. An adoption decree pursuant to Title 18-C, article 9. [PL 2023, c. 323, §2 (NEW).]

[PL 2023, c. 323, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 5, §3 (NEW). PL 2021, c. 49, §6 (AMD). PL 2023, c. 323, §2 (AMD).

§2768. Access to original birth certificate by adopted person

An adopted person, the adopted person's attorney or, if the adopted person is deceased, the adopted person's descendants may obtain a copy of that person's original certificate of birth from the State Registrar of Vital Statistics, referred to in this section as "the state registrar," in accordance with this section. [PL 2007, c. 409, §4 (NEW); PL 2007, c. 409, §6 (AFF).]

1. Requirements. The adopted person must be at least 18 years of age and have been born in this State.
[PL 2007, c. 409, §4 (NEW); PL 2007, c. 409, §6 (AFF).]

2. Application. The adopted person must file a written application with and provide appropriate proof of identification to the state registrar.
[PL 2007, c. 409, §4 (NEW); PL 2007, c. 409, §6 (AFF).]

3. Issuance of birth certificate and forms. Upon receipt of the written application and proof of identification pursuant to subsection 2 and fulfillment of the requirements of subsection 4, the state registrar shall issue a noncertified copy of the unaltered original certificate of birth to the applicant. If a contact preference or medical history form has been completed and submitted to the state registrar pursuant to section 2769, the state registrar also must provide that information.
[PL 2007, c. 409, §4 (NEW); PL 2007, c. 409, §6 (AFF).]

4. Fees; waiting period. The state registrar may require a waiting period and impose a fee for the noncertified copy provided pursuant to subsection 3. The fees and waiting period imposed under this subsection must be identical to the fees and waiting period generally imposed on persons seeking their own birth certificates.
[PL 2007, c. 409, §4 (NEW); PL 2007, c. 409, §6 (AFF).]

5. Forms; rules. The state registrar shall develop by rule the data elements required in the contact preference form, medical history form and application form as required by this section and may adopt other rules for the administration of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2009, c. 601, §22 (AMD).]

SECTION HISTORY

PL 2007, c. 409, §4 (NEW). PL 2007, c. 409, §6 (AFF). PL 2009, c. 601, §22 (AMD).

§2769. Contact preference and medical history forms

The State Registrar of Vital Statistics shall provide upon request each birth parent a contact preference form and a medical history form as described in this section. [PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

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

A. "Adoptee" means the person who is the subject of a birth certificate. [PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

B. "Birth parent" means the person who is the biological parent of an adoptee and who is named as the parent on the original birth certificate of the adoptee. [PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

C. "Contact preference form" means the form developed by the state registrar pursuant to subsection 3. [PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

D. "Medical history form" means the form developed by the state registrar pursuant to subsection 2. [PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

E. "State registrar" means State Registrar of Vital Statistics. [PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

[PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

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

[PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

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

A. "I would like to be contacted. I have completed this contact preference form and a medical history form and am filing them with the State Registrar of Vital Statistics." [PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

B. "I would prefer to be contacted only through an intermediary. I have completed this contact preference form and a medical history form and am filing them with the State Registrar of Vital Statistics." [PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

C. "Do not contact me. I may change this preference by filling out another contact preference form. I have completed this contact preference form and a medical history form and am filing them with the State Registrar of Vital Statistics." [PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

[PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

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

[PL 2007, c. 409, §5 (NEW); PL 2007, c. 409, §6 (AFF).]

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

[PL 2009, c. 601, §23 (AMD).]

SECTION HISTORY

PL 2007, c. 409, §5 (NEW). PL 2007, c. 409, §6 (AFF). PL 2009, c. 601, §23 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 132nd Maine Legislature and is current through October 1, 2026. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.