§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).

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