



126th MAINE LEGISLATURE

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Legislative Document

No. 1401

H.P. 997

House of Representatives, April 10, 2013

**An Act To Amend the Laws Governing the Issuance of and Access
to Birth Certificates and Certain Medical Information**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KENT of Woolwich.
Cosponsored by Senator GERZOFSKY of Cumberland and
Representatives: BERRY of Bowdoinham, CROCKETT of Bethel, DeCHANT of Bath, DION
of Portland, HICKMAN of Winthrop, PRIEST of Brunswick.

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

2 **Sec. 1. 18-A MRSA §9-310, 2nd ¶**, as enacted by PL 1995, c. 694, Pt. C, §7 and
3 affected by Pt. E, §2, is amended to read:

4 Any medical or genetic information in the court records relating to an adoption must
5 be made available to the adopted ~~child upon reaching the age of 18~~ person and to the
6 adopted ~~child's~~ person's descendants, adoptive parents or legal guardian on petition of the
7 court.

8 **Sec. 2. 22 MRSA §2705, sub-§5**, as amended by PL 1989, c. 818, §3, is further
9 amended to read:

10 **5. Amendment following adoption of a person born in a foreign country.**
11 Amendment of a certificate following adoption ~~or legitimation~~ of a person born in a
12 foreign country is governed by section 2765, subsection 2-A.

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 E, §2, is repealed.

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

17 **2-A. Certificate after adoption of person born in a foreign country.** This
18 subsection governs birth certificates after adoption ~~or legitimation~~ of a person born in a
19 foreign country.

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

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

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

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

1 ~~C. When a new certificate of birth is established following adoption or legitimation,~~
2 ~~it must be substituted for the original certificate of birth. After that substitution, the~~
3 ~~original certificate of birth and the evidence of adoption are not subject to inspection~~
4 ~~except upon order of the Probate Court or the Superior Court or pursuant to section~~
5 ~~2768. The application for legitimation may be released to persons listed on the~~
6 ~~original birth certificate upon completion of written application to the State Registrar~~
7 ~~of Vital Statistics or the registrar's designee.~~

8 **Sec. 5. 22 MRSA §2765, sub-§3** is repealed.

9 **Sec. 6. 22 MRSA §2765, sub-§5**, as amended by PL 2007, c. 409, §3 and
10 affected by §6, is repealed.

11 **Sec. 7. 22 MRSA §2766**, as amended by PL 2009, c. 601, §21, is repealed.

12 **Sec. 8. 22 MRSA §2768, first ¶**, as enacted by PL 2007, c. 409, §4 and affected
13 by §6, is amended to read:

14 An adopted person, the adopted person's attorney or, if the adopted person is
15 deceased, the adopted person's descendants may obtain a copy of that person's original
16 certificate of birth if that original certificate of birth is sealed from the State Registrar of
17 Vital Statistics, referred to in this section as "the state registrar," in accordance with this
18 section.

19 **Sec. 9. Effective date.** This Act takes effect October 1, 2013.

20 **SUMMARY**

21 This bill:

22 1. Eliminates the current restriction that an adoptee be at least 18 years of age for the
23 court to release medical or genetic information contained in court records relating to the
24 adoption; and

25 2. Repeals the provisions of law that require that an original birth record of an
26 adoptee be sealed and that a new certificate of birth be created.