

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2021

8 H.P. 1430 House of Representatives, February 13, 1986
9

10 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 27.

Reference to the Committee on Judiciary suggested and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Ingraham of Houlton.

Cosponsored by Senator Carpenter of Aroostook.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Clarify the Law to Provide for
19 Notice to the Mother When an
20 Individual Acknowledges Paternity of a
21 Child Born Out of Wedlock.
22

23 Be it enacted by the People of the State of Maine as
24 follows:

25 Sec. 1. 19 MRSA §211 is amended to read:

26 §211. Parents joint natural guardians of children

27 The Except as stated in this section, the father
28 and mother are the joint natural guardians of their
29 minor children and are jointly entitled to the care,
30 custody, control, services and earnings of such chil-
31 dren. Neither parent has any rights paramount to the
32 rights of the other with reference to any matter af-
33 fecting such children. In the absence of a court or-
34 der to the contrary, the mother of a child born out
35 of wedlock has sole parental rights and responsibili-
36 ties with respect to her minor child.

1 Sec. 2. 22 MRSA §2761, sub-§4, as repealed and
2 replaced by PL 1977, c. 188, is amended to read:

3 4. Illegitimate child. In the case of a child
4 conceived and born out of wedlock, the name of the
5 putative father shall not be entered on the certifi-
6 cate without his written consent. The signature of
7 the putative father on the written consent shall be
8 acknowledged before an official authorized to take
9 oaths. However, if a determination of paternity has
10 been made by a court of competent jurisdiction, then
11 the name of the father as determined by the court
12 shall be entered on the birth certificate without the
13 father's consent.

14 The department shall maintain an acknowledged father
15 registry which shall record the name and address of
16 any mother who has filed with the department, before
17 or after the birth of her child out of wedlock, no-
18 tice of her desire to be informed if any individual
19 acknowledges paternity of her child pursuant to this
20 section or Title 18-A, section 2-109, subsection (2),
21 paragraph (iii).

22 A mother filing notice shall include her current ad-
23 dress and shall notify the registry of any change of
24 address pursuant to procedures prescribed by rules of
25 the department.

26 The department shall notify any mother who has filed
27 with the acknowledged father registry whenever an ac-
28 knowledgment of paternity has occurred with regard to
29 her child. The department shall forward a copy of
30 the acknowledgment to the mother at the address list-
31 ed with the registry.

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STATEMENT OF FACT

2 This bill provides that except as otherwise spec-
3 ified in a court order, the mother of a child born
4 out of wedlock has sole parental rights with respect
5 to the child. The bill also requires the Department
6 of Human Services to maintain an acknowledged father
7 registry where a mother may file when she wants to be
8 notified of anyone acknowledging paternity of her
9 child. The department will notify any mother whenever
10 an individual acknowledges paternity of her child.

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