

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2258

H.P. 1596

House of Representatives, January 30, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative LAWRENCE of Kittery.

Cosponsored by Representative RICHARDS of Hampden, Representative STEVENS of Bangor and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act Regarding Parental Rights.



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

19 MRSA c. 5, sub-c. IV is enacted to read:

SUBCHAPTER IV

ARTIFICIAL INSEMINATION

§291. Presumed status of child conceived by means of artificial insemination

When, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is deemed the natural father of the child conceived. The consent for artificial insemination must be in writing and signed by both the husband and wife prior to the insemination. The physician shall certify their signatures and the date of the insemination, and file the consent with the Department of Human Services, Office of Vital Statistics where it must be kept confidential and in a sealed file. The physician's failure to either certify or file the consent does not affect the father and child relationship.

All papers and records pertaining to the insemination whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere are subject to inspection only upon order of the court for good cause shown.

The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor's wife is legally deemed not to be the natural father of the child conceived.

If the artificial insemination takes place in another state or prior to the effective date of this subchapter and the conditions of this section have been substantially met, then this section determines the parental rights and responsibilities regarding the child conceived.

STATEMENT OF FACT

This bill establishes that the husband of a woman artificially inseminated with semen from a donor is the legal father of the child conceived.