

MAINE STATE LEGISLATURE

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 285, L.D. 363, Bill, "An Act to Clarify the Law Regarding Name Changes"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 18-A MRSA §1-701, as amended by PL 1997, c. 18, §2 and affected by §6, is repealed and the following enacted in its place:

§1-701. Petition to change name

(a) If a person desires to have that person's name changed, the person may petition the judge of probate in the county where the person resides. If the person is a minor, the person's legal custodian may petition in the person's behalf.

(b) The judge, after due notice, may change the name of the person. To protect the person's safety, the judge may limit the notice required if the person shows by a preponderance of the evidence that:

(1) The person is a victim of abuse; and

(2) The person is currently in reasonable fear of the person's safety.

(c) The judge shall make and preserve a record of the name change. If the judge limited the notice required under subsection (2), the judge may seal the records of the name change.

(d) The fee for filing the name change petition is \$25.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill. It repeals and replaces the current law governing changes of name to change the format.

This amendment gives the Probate Court Judge the authority to limit the amount of notice that is required before the judge orders a change in a person's name when the purpose is to protect the person's safety. The person must first show by a preponderance of the evidence that the person is a victim of abuse and that the person is currently in fear of his or her safety. The Probate Court Judge will be able to determine the appropriate amount of notice that must be given based on the facts of the case. If the judge limits the notice that must be given, the judge may seal the records of the name change.

The fee for filing the name change petition remains the same.