

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 83

S.P. 32

In Senate, January 11, 2017

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### **An Act Regarding Changing the Designation of a Parent on the Birth Certificate of an Adult**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.  
Cosponsored by Representative HYMANSON of York and  
Senators: JACKSON of Aroostook, LIBBY of Androscoggin, Representatives: PARRY of  
Arundel, SPEAR of South Thomaston.

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

2 **Sec. 1. 22 MRSA §2705, sub-§6**, as enacted by PL 2003, c. 585, §1, is amended  
3 to read:

4 **6. Amendment of birth certificate of adult.** Amendment of a birth certificate ~~of~~  
5 ~~birth~~ of a person 18 years of age or older born in this State for the purpose of identifying  
6 a biological parent who was not known or listed at the time of birth is governed by  
7 section ~~2767~~ 2767-A.

8 **Sec. 2. 22 MRSA §2767**, as enacted by PL 2003, c. 585, §2, is repealed.

9 **Sec. 3. 22 MRSA §2767-A** is enacted to read:

10 **§2767-A. Amendment of birth certificate of adult**

11 **1. Amendment of birth certificate.** The State Registrar of Vital Statistics shall  
12 amend the birth certificate of a person 18 years of age or older born in this State for the  
13 purpose of identifying a genetic parent who was not known or listed at the time of birth  
14 when the state registrar has received the following:

15 A. A signed, notarized request from the subject of the birth certificate that the birth  
16 certificate be amended;

17 B. Either the written, notarized consent of the genetic parent to be named on the  
18 amended birth certificate or a certified copy of the death certificate of the genetic  
19 parent to be named on the amended birth certificate; and

20 C. Evidence of genetic parentage based on testing of deoxyribonucleic acid, DNA,  
21 that includes:

22 (1) A notarized report of the results of the DNA testing; and

23 (2) Notarized documentation of the chain of custody of the blood and tissue  
24 samples examined in the testing.

25 The testing must be of a type generally acknowledged as reliable by accreditation  
26 bodies designated by the federal Secretary of Health and Human Services, and it must  
27 be performed by a laboratory approved by an accreditation body designated by the  
28 federal Secretary of Health and Human Services.

29 **2. Effect.** If the request submitted pursuant to subsection 1 does not contain the  
30 written, notarized consent of the genetic parent to be named on the amended birth  
31 certificate, amendment of the birth certificate pursuant to this section does not affect the  
32 rights of inheritance and descent. A birth certificate amended without the written,  
33 notarized consent of the genetic parent to be named on the amended birth certificate must  
34 contain the following words in a conspicuous place: "This birth certificate has been  
35 amended to identify a genetic parent not known or listed at the time of birth. This  
36 amendment does not affect the rights of inheritance or descent of the subject of the birth  
37 certificate."

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## SUMMARY

This bill repeals the current law governing amendment of the birth certificate of an adult and creates a process for amending an adult's birth certificate when genetic testing identifies a parent who was not known or listed at the time of the adult's birth and the genetic parent to be named on the amended birth certificate either consents in writing to the amendment or is deceased. The bill provides that amendment of a birth certificate without the consent of the genetic parent to be named on the amended birth certificate does not affect the rights of inheritance or descent.