MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 24

S.P. 32

In Senate, January 13, 2021

An Act Regarding Certificates of Birth, Marriage and Death

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204. Received by the Secretary of the Senate on January 11, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

DAREK M. GRANT Secretary of the Senate

Presented by Senator CARNEY of Cumberland.

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

- **Sec. 1. 19-A MRSA §651, sub-§2,** as amended by PL 2019, c. 82, §1 and c. 340, §5, is repealed and the following enacted in its place:
- 2. Application. The parties wishing to record notice of their intentions of marriage shall submit an application for recording notice of their intentions of marriage. The application may be issued to any 2 persons otherwise qualified under this chapter regardless of the sex of each person if the clerk or State Registrar of Vital Statistics is satisfied as to the identity of the applicants. The application must include a signed certification that the information recorded on the application is correct and that the applicant is free to marry according to the laws of this State. If either party intends to change that party's name upon marriage, the application must include the proposed new name of that party. The applicant's signature must be acknowledged before an official authorized to take oaths. An application recording notice of intention to marry is not open for public inspection for 50 years from the date of the application except that:
 - A. The names of the parties for whom intentions to marry are filed and the intended date of marriage are public records and open for public inspection; and
 - B. A person with a researcher identification card under Title 22, section 2706, subsection 8 is permitted to inspect records and may be issued a noncertified copy of an application.
- **Sec. 2. 19-A MRSA §656, sub-§2,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:
- 2. Completed license; ceremony performed. Each marriage license issued must be completed and the certification statement signed by both parties to the intended marriage. The parties' signatures may be obtained at issuance or at the time the marriage is solemnized. The completed license or licenses must be delivered by the parties to the person solemnizing the marriage. Upon completion of the solemnization, which must be performed in the presence of at least 2 witnesses other than the person officiating, the person officiating and the 2 witnesses shall sign the license or licenses, which are then known as the marriage certificate or certificates.
- **Sec. 3. 22 MRSA §2703,** as amended by PL 2011, c. 511, §3, is further amended to read:

§2703. Birth, marriage or death in unincorporated place

When a birth, marriage or death occurs in an unincorporated place, it must be reported to a municipal clerk as specified by the state registrar and must be recorded, or registered in the electronic birth registration system, by the municipal clerk to whom the report is made. All such reports and records must be forwarded to the state registrar.

- **Sec. 4. 22 MRSA §2705, sub-§6,** as amended by PL 2017, c. 5, §1, is further amended to read:
- **6.** Amendment of birth certificate of adult. Amendment of a birth certificate of a person 18 years of age or older born in this State for the purpose of identifying <u>or replacing</u> a biological parent who was not known or listed at the time of birth is governed by section 2767-A

Sec. 5. 22 MRSA §2767-A, as enacted by PL 2017, c. 5, §3, is amended to read: §2767-A. Amendment of birth certificate of adult 1. Amendment of birth certificate. The State Registrar of Vital Statistics shall amend the birth certificate of a person 18 years of age or older born in this State for the purpose

- 1. Amendment of birth certificate. The State Registrar of Vital Statistics shall amend the birth certificate of a person 18 years of age or older born in this State for the purpose of identifying or replacing a genetic parent who was not known or listed at the time of birth when the state registrar has received the following:
 - A. A signed, notarized request from the subject of the birth certificate that the birth certificate be amended;
 - B. Either the written, notarized consent of the genetic parent to be named on the amended birth certificate or a certified copy of the death certificate of the genetic parent to be named on the amended birth certificate; and
 - C. Evidence of genetic parentage based on testing of deoxyribonucleic acid, DNA, that includes:
 - (1) A notarized report of the results of the DNA testing; and
 - (2) Notarized documentation of the chain of custody of the blood and tissue samples examined in the testing.

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

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

29 SUMMARY

This bill amends the laws regulating certificates of birth, marriage and death. It clarifies that the signatures on a marriage license of the parties to the intended marriage may be obtained at the issuance of the license or at the time the marriage is solemnized. It requires that when a death or marriage occurs in an unincorporated place, it must be recorded or registered in the electronic registration system. It also clarifies that a birth certificate may be amended by the replacement of a genetic parent.

The bill also corrects a conflict created by Public Law 2019, chapters 82 and 340, which affected the same provision of law, by incorporating the changes made by both laws.