

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
131<sup>ST</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSION



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

October 2023

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**STATE OF MAINE**  
131<sup>ST</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS



**LEGISLATIVE DIGEST OF BILLS AND  
SUMMARIES OF ENACTED LAWS**

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the First Regular and First Special Sessions of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature’s webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor’s request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*..... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor’s veto

The effective date for non-emergency legislation enacted in the First Regular and First Special Sessions of the 131st Legislature is Thursday, June 29, 2023 and Wednesday, October 25, 2023, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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practice of medicine and may also be subject to additional civil or criminal penalties under other provisions of law.

At the time this bill was voted, Senator Jill Duson had been temporarily appointed to the committee to replace Senator Donna Bailey.

### **LD 1620 An Act To Amend the Laws Regarding the Mi'kmaq Nation and to Provide Parity to the Wabanaki Nations**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 369 provides for greater parity between the jurisdiction recognized by the State of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Mi'kmaq Nation, referred to collectively in this summary as the Wabanaki Nations.

Part A of Public Law 2023, chapter 369 amends Public Law 1989, chapter 148, which governs the jurisdictional relationship between the State and the Mi'kmaq Nation, as follows.

1. It renames the laws governing the jurisdiction of the Mi'kmaq Nation within the State the "Mi'kmaq Nation Restoration Act" and, for purposes of that Act, newly defines "Mi'kmaq Nation Jurisdiction Land" to mean all land held by the United States Secretary of the Interior in trust for the Mi'kmaq Nation as of the effective date of the Act as well as all land acquired by the secretary in trust for the nation after the effective date of the Act if it is within Aroostook County and within 50 miles of land held in trust for the nation on the effective date of the Act.
2. It provides that, similar to the other Wabanaki Nations in the State and except as provided in the Act, the Mi'kmaq Nation, the nation's members and lands and natural resources held by or in trust for the nation and its members are subject to the laws of the State and to the civil and criminal jurisdiction of the courts of the State.
3. It recognizes the authority of the Mi'kmaq Nation, similar to the authority of the Passamaquoddy Tribe and the Penobscot Nation, to exercise exclusive jurisdiction over internal tribal matters; to exercise power similar to that of a municipality within Mi'kmaq Nation Jurisdiction Land, including the power to enact ordinances; and to sue and be sued in the courts of the State. It also recognizes the Mi'kmaq Nation's immunity from suit when the nation is acting in a governmental capacity.
4. It recognizes the Mi'kmaq Nation's authority to enact ordinances regulating hunting, trapping and fishing within Mi'kmaq Nation Jurisdiction Land and requires that lands or waters subject to regulation by the nation be clearly posted. The hunting, trapping and fishing ordinances adopted by the nation must be equally applicable to members and nonmembers of the nation except that members of the Mi'kmaq Nation may take fish for their individual sustenance within the boundaries of Mi'kmaq Nation Jurisdiction Land. It also provides that the Commissioner of Inland Fisheries and Wildlife may conduct fish and wildlife surveys within Mi'kmaq Nation Jurisdiction Land and establishes a process for the adoption of remedial

#### ENACTED LAW SUMMARIES

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measures if a tribal ordinance or the absence of a tribal ordinance is causing or there is a reasonable likelihood that it will cause a significant depletion of fish or wildlife stocks on lands or waters outside the boundaries of Mi'kmaq Nation Jurisdiction Land.

5. It recognizes the exclusive authority of the Mi'kmaq Nation in Mi'kmaq Nation Jurisdiction Land, similar to the authority of the Passamaquoddy Tribe in Passamaquoddy Indian territory, to enact ordinances regulating drinking water unless the nation exercises its discretion to enter into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues. It also prohibits the State from exercising primary enforcement authority to implement the federal Safe Drinking Water Act within Mi'kmaq Nation Jurisdiction Land and recognizes the authority of the Mi'kmaq Nation to seek to be treated as a state and to obtain primary enforcement authority to implement the federal Safe Drinking Water Act within Mi'kmaq Nation Jurisdiction Land.
6. It recognizes the authority of the Mi'kmaq Nation to establish a tribal court that may exercise jurisdiction analogous to the jurisdiction of the Passamaquoddy Tribal Court and the Penobscot Nation Tribal Court under current law.
  - A. The Mi'kmaq Tribal Court may exercise exclusive jurisdiction over criminal offenses committed by a member of any federally recognized Indian tribe, nation, band or other group within Mi'kmaq Nation Jurisdiction Land if the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000, unless the offense is committed against a victim who is not a member of a federally recognized Indian tribe, nation or band; juvenile crimes that, if committed by an adult, would be within the exclusive jurisdiction of the Mi'kmaq Tribal Court as well as specific drug and alcohol juvenile crimes committed within Mi'kmaq Nation Jurisdiction Land by a member of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians; small claims actions between members of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians arising within Mi'kmaq Nation Jurisdiction Land and certain civil drug possession offenses committed by members of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians within Mi'kmaq Nation Jurisdiction Land; Indian child custody proceedings to the extent authorized by state or federal law; other domestic relations matters between members of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians, both of whom reside within Mi'kmaq Nation Jurisdiction Land; and the enforcement of drinking water ordinances adopted by the Mi'kmaq Nation for Mi'kmaq Nation Jurisdiction Land, except that the nation may not exert jurisdiction over a nonprofit public municipal corporation.
  - B. The Mi'kmaq Tribal Court and the State may exercise concurrent jurisdiction over certain Class D domestic violence crimes committed within Mi'kmaq Nation Jurisdiction Land by or against a member of a federally recognized Indian tribe, nation, band or other group if the maximum potential term of imprisonment does not exceed one year and the potential fine does not exceed \$2,000.

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- C. The laws of the State govern the definitions of the criminal offenses and juvenile crimes that may be prosecuted in Mi'kmaq Tribal Court and the applicable punishments for those offenses. In addition, the Mi'kmaq Tribal Court must afford specific minimum due process rights required under federal law to criminal and juvenile defendants.
7. It requires the State to give full faith and credit to the judicial proceedings of the Mi'kmaq Nation and the Mi'kmaq Nation to give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the State.
  8. It recognizes the Mi'kmaq Nation's authority to appoint law enforcement officers with exclusive authority to enforce the criminal, juvenile, civil and domestic relations laws within Mi'kmaq Nation Jurisdiction Land over which the Mi'kmaq Tribal Court has exclusive jurisdiction. The Mi'kmaq Nation's law enforcement officers and state and county law enforcement officers have concurrent authority to enforce all other laws of the State within Mi'kmaq Nation Jurisdiction Land.
  9. It provides that the Mi'kmaq Nation is eligible to apply for any federally funded discretionary state grants or loans to the same extent and subject to the same eligibility requirements as municipalities in the State. Residents of Mi'kmaq Nation Trust Land are also entitled to receive any state grant, loan, unemployment compensation, medical or welfare benefit or other social service to the same extent and subject to the same eligibility requirements as other persons in the State, except that the amount of state funding received by a person must be reduced by the amount of any federal funding received by that person for substantially the same purpose and substantially the same period of time.

Part A further directs the Revisor of Statutes to replace the words "Aroostook Band of Micmacs" with the words "Mi'kmaq Nation" when updating, publishing or republishing the Maine Revised Statutes. Because it represents a jurisdictional agreement between the State and the Mi'kmaq Nation authorized by Section 6(d) of the federal Aroostook Band of Micmacs Settlement Act, Pub. L. No. 102-171, Part A does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Mi'kmaq Nation certifies to the Secretary of State that the Mi'kmaq Nation agrees to the provisions of Part A.

Part B of Public Law 2023, chapter 369 amends certain provisions of An Act to Implement the Maine Indian Claims Settlement, referred to in this summary as the Maine Implementing Act, governing the jurisdictional relationship between the State and the Passamaquoddy Tribe as follows.

1. It provides that the exclusive jurisdiction of the Passamaquoddy Tribal Court over certain criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within the Passamaquoddy Indian reservation under current law extends to those same types of criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within all of Passamaquoddy Indian territory. It also provides that the exclusive jurisdiction of the Passamaquoddy Tribal Court over domestic relations matters between members of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians, both

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of whom reside on the Passamaquoddy Indian reservation, extends to the same types of domestic relations matters arising between members of any of the Wabanaki Nations, both of whom reside within Passamaquoddy Indian territory.

2. It clarifies within the Maine Implementing Act that the State must give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe and that the Passamaquoddy Tribe must give full faith and credit to the judicial proceedings of the Penobscot Nation, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation and the State.

Because it represents a jurisdictional agreement between the State and the Passamaquoddy Tribe authorized by Section 6(e)(1) of the federal Maine Indian Claims Settlement Act of 1980, Pub. L. No. 96-420, Part B does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Joint Tribal Council of the Passamaquoddy Tribe certifies to the Secretary of State that the Passamaquoddy Tribe agrees to the provisions of Part B.

Part C of Public Law 2023, chapter 369 amends certain provisions of the Maine Implementing Act governing the jurisdictional relationship between the State and the Penobscot Nation as follows.

1. It recognizes the exclusive authority of the Penobscot Nation in Penobscot Indian territory, similar to the authority of the Passamaquoddy Tribe in Passamaquoddy Indian territory, to enact ordinances regulating drinking water unless the nation exercises its discretion to enter into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues. It also prohibits the State from exercising primary enforcement authority to implement the federal Safe Drinking Water Act within Penobscot Indian territory and recognizes the authority of the Penobscot Nation to seek to be treated as a state and to obtain primary enforcement authority to implement the federal Safe Drinking Water Act within Penobscot Indian territory.
2. It provides that the exclusive jurisdiction of the Penobscot Nation Tribal Court over certain criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within the Penobscot Indian reservation under current law extends to those same types of criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within all of Penobscot Indian territory. To the extent that the Penobscot Nation Tribal Court has exclusive jurisdiction over members of the Passamaquoddy Tribe or the Penobscot Nation under these provisions, it extends that exclusive jurisdiction to members of any of the Wabanaki Nations. It also provides that the exclusive jurisdiction of the Penobscot Nation Tribal Court over domestic relations matters between members of the Passamaquoddy Tribe and the Penobscot Nation, both of whom reside on the Penobscot Indian reservation, extends to the same types of domestic relations matters arising between members of any of the Wabanaki Nations, both of whom reside within Passamaquoddy Indian territory. It further recognizes the exclusive authority of the Penobscot Nation Tribal Court to enforce any drinking water ordinances adopted by the nation for Penobscot Indian territory, except that the nation may not exercise jurisdiction over a nonprofit public municipal corporation.
3. It clarifies within the Maine Implementing Act that the State must give full faith and credit to the judicial proceedings of the Penobscot Nation and that the Penobscot Nation must give full

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faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation and the State.

Because it represents a jurisdictional agreement between the State and the Penobscot Nation authorized by Section 6(e)(1) of the federal Maine Indian Claims Settlement Act of 1980, Pub. L. No. 96-420, Part C does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Governor and Council of the Penobscot Nation certify to the Secretary of State that the Penobscot Nation agrees to the provisions of Part C.

Part D of Public Law 2023, chapter 369 amends certain provisions of the Maine Implementing Act governing the jurisdictional relationship between the State and the Houlton Band of Maliseet Indians as follows.

1. It repeals the definition of “Houlton Band Trust Land” and replaces it with a definition that cross-references the definition established in the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, Pub. L. No. 99-566. It also repeals the definition of “Houlton Band Jurisdiction Land” and newly defines that term to mean all land held by the United States Secretary of the Interior in trust for the Houlton Band of Maliseet Indians as of the effective date of this legislation as well as all land acquired by the secretary in trust for the band after the effective date of this legislation if it is within Aroostook County and within 50 miles of land held in trust for the band on the effective date of this legislation.
2. It recognizes the Houlton Band of Maliseet Indians’ authority to enact ordinances regulating hunting, trapping and fishing within Houlton Band Jurisdiction Land and the authority of the Maine Indian Tribal-State Commission to regulate fishing on certain waters on the boundary of Houlton Band Jurisdiction Land. Lands and waters subject to regulation by the band or the commission must be clearly posted. The hunting, trapping and fishing ordinances and rules adopted by the band and the commission must be equally applicable to members and nonmembers of the band, except that members of the Houlton Band of Maliseet Indians may take fish for their individual sustenance within the boundaries of Houlton Band Jurisdiction Land to the same extent that members of the Passamaquoddy Tribe and the Penobscot Nation may exercise sustenance fishing rights within the boundaries of their respective reservations under current law. It also provides that the Commissioner of Inland Fisheries and Wildlife may conduct fish and wildlife surveys within Houlton Band Jurisdiction Land and establishes a process for the adoption of remedial measures if a tribal ordinance or commission rule or the absence of a tribal ordinance or commission rule is causing or there is a reasonable likelihood that it will cause a significant depletion of fish or wildlife stocks on lands or waters outside the boundaries of Houlton Band Jurisdiction Land.
3. It recognizes the exclusive authority of the Houlton Band of Maliseet Indians in Houlton Band Jurisdiction Land, similar to the authority of the Passamaquoddy Tribe in Passamaquoddy Indian territory, to enact ordinances regulating drinking water unless the band exercises its discretion to enter into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues. It also prohibits the State from exercising primary enforcement authority to implement the federal Safe Drinking Water Act within Houlton Band Jurisdiction Land and recognizes the authority of the Houlton Band



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of Maliseet Indians to seek to be treated as a state and to obtain primary enforcement authority to implement the federal Safe Drinking Water Act within Houlton Band Jurisdiction Land.

4. It combines in one statutory location the three separate provisions of current law describing the exclusive jurisdiction that may be exercised by the Houlton Band of Maliseet Indians Tribal Court over certain criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within Houlton Band Jurisdiction Land and certain domestic relations matters when both parties reside within Houlton Band Jurisdiction Land. To the extent that the Houlton Band of Maliseet Indians Tribal Court may exercise exclusive jurisdiction over members of the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians under these provisions, it also extends that exclusive jurisdiction to members of the Mi'kmaq Nation. It further recognizes the exclusive authority of the Houlton Band of Maliseet Indians Tribal Court to enforce any drinking water ordinances adopted by the band for Houlton Band Jurisdiction Land, except that the nation may not exercise jurisdiction over a nonprofit public municipal corporation.
5. It requires the State to give full faith and credit to the judicial proceedings of the Houlton Band of Maliseet Indians and the Houlton Band of Maliseet Indians to give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Penobscot Nation, the Mi'kmaq Nation and the State.
6. It provides that law enforcement officers appointed by the Houlton Band of Maliseet Indians have exclusive authority to enforce the criminal, juvenile, civil and domestic relations laws within Houlton Band Jurisdiction Land over which the Houlton Band of Maliseet Indians Tribal Court has exclusive jurisdiction. It also specifies that the band's law enforcement officers and state and county law enforcement officers have concurrent authority to enforce all other laws of the State within Houlton Band Jurisdiction Land.

Because it represents a jurisdictional agreement between the State and the Houlton Band of Maliseet Indians authorized by Section 6(e)(2) of the federal Maine Indian Claims Settlement Act of 1980, Pub. L. No. 96-420, Part D does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Houlton Band Council certifies to the Secretary of State that the Houlton Band of Maliseet Indians agrees to the provisions of Part D.

Part E of Public Law 2023, chapter 369 amends the provisions of the Maine Implementing Act governing the jurisdictional relationship between the State and both the Passamaquoddy Tribe and the Penobscot Nation as follows.

1. It provides that the Passamaquoddy Tribe and the Penobscot Nation each have exclusive jurisdiction within their respective Indian territory over violations of their respective tribal ordinances by members of any federally recognized Indian tribe, nation, band or other group but that the State has exclusive jurisdiction within Passamaquoddy Indian territory and Penobscot Indian territory over violations of applicable tribal ordinances by persons who are not members of any federally recognized Indian tribe, nation, band or other group.

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2. It provides that law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation have exclusive authority to enforce, within their respective Indian territories, civil and domestic relations laws over which the Passamaquoddy Tribal Court or the Penobscot Nation Tribal Court have exclusive jurisdiction, respectively. Law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation also have exclusive authority to enforce, on their respective Indian reservations, the criminal and juvenile offenses over which the Passamaquoddy Tribal Court or the Penobscot Nation Tribal Court have exclusive jurisdiction. State and county law enforcement officers have concurrent authority with law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation to enforce all other laws of the State within both Indian territories and to enforce fishing rules adopted by the Maine Indian Tribal State Commission.

Because it represents a jurisdictional agreement between the State and the Passamaquoddy Tribe and between the State and the Penobscot Nation authorized by Section 6(e)(1) of the federal Maine Indian Claims Settlement Act of 1980, Pub. L. No. 96-420, Part E does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Joint Tribal Council of the Passamaquoddy Tribe certifies to the Secretary of State that the Passamaquoddy Tribe agrees to the provisions of Part E and the Governor and the Council of the Penobscot Nation certify to the Secretary of State that the Penobscot Nation agrees to the provisions of Part E.

### **LD 1622 Resolve, to Reestablish the Criminal Records Review Committee**

#### **ENACTED LAW SUMMARY**

Resolve 2023, chapter 103 reestablishes the Criminal Records Review Committee to review options for expunging and sealing criminal records and requires the committee to provide both an interim and final report to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

### **LD 1624 An Act to Clarify the Procedure for Amending the Birth Certificate of an Adult to Recognize a Parent Not Known or Listed at the Time of Birth**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 323 clarifies the following processes by which an adult may request an amendment of the adult's birth certificate to identify a parent who was not known or listed at the time of the adult's birth.

1. The adult may request that a genetic parent be added to the adult's birth certificate on the basis of genetic testing without replacing any other parent who is listed on the birth certificate.
2. The adult may request that a parent be added to the adult's birth certificate based on a properly executed voluntary acknowledgement of parentage. If the acknowledged parent will replace a