



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.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.

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

2 **Sec. 1. 19-A MRSA §651, sub-§2**, as amended by PL 2019, c. 82, §1 and c. 340,
3 §5, is repealed and the following enacted in its place:

4 **2. Application.** The parties wishing to record notice of their intentions of marriage
5 shall submit an application for recording notice of their intentions of marriage. The
6 application may be issued to any 2 persons otherwise qualified under this chapter regardless
7 of the sex of each person if the clerk or State Registrar of Vital Statistics is satisfied as to
8 the identity of the applicants. The application must include a signed certification that the
9 information recorded on the application is correct and that the applicant is free to marry
10 according to the laws of this State. If either party intends to change that party's name upon
11 marriage, the application must include the proposed new name of that party. The
12 applicant's signature must be acknowledged before an official authorized to take oaths. An
13 application recording notice of intention to marry is not open for public inspection for 50
14 years from the date of the application except that:

15 A. The names of the parties for whom intentions to marry are filed and the intended
16 date of marriage are public records and open for public inspection; and

17 B. A person with a researcher identification card under Title 22, section 2706,
18 subsection 8 is permitted to inspect records and may be issued a noncertified copy of
19 an application.

20 **Sec. 2. 19-A MRSA §656, sub-§2**, as enacted by PL 1995, c. 694, Pt. B, §2 and
21 affected by Pt. E, §2, is amended to read:

22 **2. Completed license; ceremony performed.** Each marriage license issued must be
23 completed and the certification statement signed by both parties to the intended marriage.
24 The parties' signatures may be obtained at issuance or at the time the marriage is
25 solemnized. The completed license or licenses must be delivered by the parties to the
26 person solemnizing the marriage. Upon completion of the solemnization, which must be
27 performed in the presence of at least 2 witnesses other than the person officiating, the
28 person officiating and the 2 witnesses shall sign the license or licenses, which are then
29 known as the marriage certificate or certificates.

30 **Sec. 3. 22 MRSA §2703**, as amended by PL 2011, c. 511, §3, is further amended to
31 read:

32 **§2703. Birth, marriage or death in unincorporated place**

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

37 **Sec. 4. 22 MRSA §2705, sub-§6**, as amended by PL 2017, c. 5, §1, is further
38 amended to read:

39 **6. Amendment of birth certificate of adult.** Amendment of a birth certificate of a
40 person 18 years of age or older born in this State for the purpose of identifying or replacing
41 a biological parent who was not known or listed at the time of birth is governed by section
42 2767-A.

1 **Sec. 5. 22 MRSA §2767-A**, as enacted by PL 2017, c. 5, §3, is amended to read:
2 **§2767-A. Amendment of birth certificate of adult**

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

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

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

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

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

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

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

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

29 **SUMMARY**

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

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