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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1049, L.D. 1624, “An Act to Streamline the Process for Amending a Birth Certificate of an Adult When Genetic Parentage is Not Disputed”

Amend the bill by striking out the title and substituting the following:

'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'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §2705, sub-§6, as amended by PL 2021, c. 49, §4, 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 ~~or replacing~~ a genetic parent who was not known or listed at the time of birth is governed by section 2767-A.

Sec. 2. 22 MRSA §2767-A, as amended by PL 2021, c. 49, §6, is further amended to read:

§2767-A. Amendment of birth certificate of adult

1. Amendment Addition of parent to birth certificate based on genetic testing. 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 to amend the birth certificate from the adult subject of the birth certificate ~~that the birth certificate be amended~~;

COMMITTEE AMENDMENT

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

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

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

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

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

13 The process for amending a birth certificate under this subsection may not be used to
14 replace a parent listed on the birth certificate. A genetic parent who was not known or listed
15 at the time of birth may be added to a birth certificate under this subsection even if more
16 than 2 parents will be listed on the birth certificate as a result of the amendment.

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

25 **3. Amendment of birth certificate based on voluntary acknowledgment of**
26 **parentage.** The State Registrar of Vital Statistics shall amend the birth certificate of a
27 person 18 years of age or older born in this State for the purpose of identifying a parent
28 who was not known or listed at the time of birth if the birth certificate lists only one parent
29 or if a parent listed on the birth certificate will be replaced with a new parent when the state
30 registrar has received the following:

31 A. A signed, notarized request to amend the birth certificate from the adult subject of
32 the birth certificate;

33 B. A properly executed voluntary acknowledgment of parentage that complies with
34 the requirements of Title 19-A, chapter 61, subchapter 3; and

35 C. If the acknowledged parent will replace a parent listed on the birth certificate, a
36 properly executed denial of parentage from the parent to be replaced that meets the
37 requirements of Title 19-A, chapter 61, subchapter 3.

38 **4. Amendment of birth certificate based on adoption or parentage action.** The
39 State Registrar of Vital Statistics shall amend the birth certificate of a person 18 years of
40 age or older born in this State in response to a request by the adult that the adult's birth
41 certificate reflect the adult's parentage as set forth in:

42 A. A court order adjudicating parentage pursuant to Title 19-A, chapter 61; or

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B. An adoption decree pursuant to Title 18-C, article 9.'
Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill and changes the title. The amendment 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 parent listed on the birth certificate, the adult must also submit a properly executed denial of parentage from the parent to be replaced.
3. The adult may request that the adult’s birth certificate be amended to reflect the adult’s parentage as determined by a court in a parentage action or an adoption proceeding.

FISCAL NOTE REQUIRED
(See attached)