



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1507

H.P. 962

House of Representatives, April 5, 2023

An Act to Ensure the Accuracy of Vital Records with Respect to Gender

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


ROBERT B. HUNT
Clerk

Presented by Representative SHEEHAN of Biddeford.

Cosponsored by Representatives: MALON of Biddeford, SKOLD of Portland.

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

2 **Sec. 1. 22 MRSA §2705, sub-§7** is enacted to read:

3 **7. Amendment of marriage certificate following gender marker change.**
4 Amendment of a marriage certificate following gender marker change is governed by
5 section 2805.

6 **Sec. 2. 22 MRSA §2805** is enacted to read:

7 **§2805. Amendment of marriage certificate following gender marker change**

8 **1. Amended certificate of marriage.** The State Registrar of Vital Statistics shall
9 amend a marriage certificate of a person married in this State to reflect a change of gender
10 and to provide a new sex identifier when the state registrar receives the following:

11 A. An application for gender marker change, which must include a gender field that
12 includes options for male, female and X;

13 B. A notarized statement from the spouse of the applicant agreeing to the requested
14 change in substantially the following form: "I, (spouse's full name), agree to the
15 issuance of an amended marriage certificate as requested by my spouse.";

16 C. At least one of the following documents:

17 (1) A government-issued identification document that includes the applicant's
18 current gender marker and sex identifier;

19 (2) An affidavit signed by the applicant attesting under penalty of perjury that the
20 applicant's request for a change of gender marker is not fraudulent;

21 (3) A certified copy of a court-ordered change of gender;

22 (4) A new birth certificate issued under section 2765 showing the applicant's
23 gender marker change; or

24 (5) A certified copy of a court-ordered change of name that demonstrates the
25 change of gender; and

26 D. The application fee established by the department, which must reasonably reflect
27 the cost of the service, as specified in Title 22-A, section 210.

28 **Sec. 3. 22 MRSA §2842, sub-§1-A** is enacted to read:

29 **1-A. Designation of gender.** The certificate of death must include a gender field that
30 includes options for male, female and X. A death certificate for an individual must reflect
31 the desired gender identity of the individual who has died if the person signing the
32 certificate is aware of that desire either through a valid living will, advance health care
33 directive or other record, including a record prepared by someone other than the individual.

34 **Sec. 4. 22 MRSA §2842, sub-§5**, as enacted by PL 2019, c. 340, §16, is amended
35 to read:

36 **5. Correction of certificate of death.** A certificate of death filed in accordance with
37 this section may be completed or amended at any time by means described in rules adopted
38 by the department. The health care provider who certified the death in accordance with
39 subsection 2-A may sign the forms, submit an electronic amendment or file a certificate
40 using the electronic death registration system in accordance with section 2847. A health

1 care provider may amend a certificate of death with respect to the time, date, place and
2 circumstances of death as well as the gender of the individual who died. Forms or
3 electronic amendments may be filed at any time after death.

4 **SUMMARY**

5 This bill:

6 1. Directs the State Registrar of Vital Statistics to amend a marriage certificate to
7 reflect a change of gender and to provide a new sex identifier when the state registrar
8 receives an appropriate application, which must include a gender field that includes options
9 for male, female and X; and

10 2. Provides that a certificate of death must include a gender field that includes options
11 for male, female and X. It also provides that a death certificate for an individual must
12 reflect the desired gender identity of the individual who has died if the person signing the
13 certificate is aware of that desire either through a valid living will, advance health care
14 directive or other record, including a record prepared by someone other than the individual.
15 It also clarifies that a health care provider may amend a certificate of death with respect to
16 the gender of the individual who has died.