

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-THREE

—  
H.P. 962 - L.D. 1507

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

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

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

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

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

**§2805. New marriage certificate following gender marker change**

**1. New marriage certificate.** Upon receipt of an application that meets the requirements established by the department by rule, the State Registrar of Vital Statistics shall issue a new marriage certificate of a person married in this State to reflect a change of gender of the person and, if requested at the same time, to reflect the new first and middle names of the person. Notwithstanding section 2705, the new certificate may not be marked "amended."

**2. Original marriage certificate sealed.** When a new marriage certificate is issued under subsection 1, the state registrar shall provide a copy of the new marriage certificate to each municipal clerk who is required by law to have a copy of the marriage certificate on file. All copies of the original marriage certificate in the custody of any municipal clerk must be sealed from inspection or surrendered to the state registrar as the state registrar directs.

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

**1-A. Designation of gender.** A death certificate for an individual must reflect the desired gender identity of the individual who has died if the person signing the certificate is aware of that desire either through a valid living will, advance health care directive or other record, including a record prepared by someone other than the individual.

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

**5. Correction of certificate of death.** A certificate of death filed in accordance with this section may be completed or amended at any time by means described in rules adopted by the department. The health care provider who certified the death in accordance with subsection 2-A may sign the forms, submit an electronic amendment or file a certificate using the electronic death registration system in accordance with section 2847. A health care provider may amend a certificate of death with respect to the time, date, place and circumstances of death as well as the gender of the individual who died. Forms or electronic amendments may be filed at any time after death.