

STATE OF MAINE

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

—
H.P. 1049 - L.D. 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

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

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~~;
- B. Either the written, notarized consent of the genetic parent to be named on the amended birth certificate or a certified copy of the death certificate of the genetic parent to be named on the amended birth certificate; and
- C. Evidence of genetic parentage based on testing of deoxyribonucleic acid, DNA, that includes:
 - (1) A notarized report of the results of the DNA testing; and
 - (2) Notarized documentation of the chain of custody of the blood and tissue samples examined in the testing.

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

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

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

3. Amendment of birth certificate based on voluntary acknowledgment of parentage. 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 a parent who was not known or listed at the time of birth if the birth certificate lists only one parent or if a parent listed on the birth certificate will be replaced with a new parent 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;

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

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

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

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

B. An adoption decree pursuant to Title 18-C, article 9.