

STATE OF MAINE

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

—
S.P. 32 - L.D. 24

An Act Regarding Certificates of Birth, Marriage and Death

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

Sec. 1. 19-A MRSA §651, sub-§2, as amended by PL 2019, c. 82, §1 and c. 340, §5, is repealed and the following enacted in its place:

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

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

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

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

2. Completed license; ceremony performed. Each marriage license issued must be completed and the certification statement signed by both parties to the intended marriage. The parties' signatures may be obtained at issuance or at the time the marriage is solemnized. The completed license or licenses must be delivered by the parties to the person solemnizing the marriage. Upon completion of the solemnization, which must be performed in the presence of at least 2 witnesses other than the person officiating, the

person officiating and the 2 witnesses shall sign the license or licenses, which are then known as the marriage certificate or certificates.

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

§2703. Birth, marriage or death in unincorporated place

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

Sec. 4. 22 MRSA §2705, sub-§6, as amended by PL 2017, c. 5, §1, 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 ~~biological~~ genetic parent who was not known or listed at the time of birth is governed by section 2767-A.

Sec. 5. 22 MRSA §2706-A, as amended by PL 1989, c. 818, §4-7, is further amended to read:

§2706-A. Adoption contact files

1. File. The state registrar shall maintain files of the names and addresses of adopted persons and their adoptive and ~~biological~~ genetic parents; who have registered under this section.

2. Registration. This subsection governs participation in the adoption registry.

A. The following persons may register their names and addresses with the state registrar and request contact:

- (1) A person who is 18 years of age or older and:
 - (a) Who was adopted;
 - (b) Whose adoption was annulled;
 - (c) Whose adoptive parents surrendered and released parental rights to that person or had their parental rights terminated; or
 - (d) Who was freed for adoption but was never subsequently adopted;
- (2) An adoptive parent if:
 - (a) The adopted person is under 18 years of age;
 - (b) The adopted person is deceased; or
 - (c) The adopted person is at least 18 years of age and is determined by a court to be incapacitated; and
- (3) The legal custodian or guardian of:
 - (a) A person whose adoption was annulled, who was surrendered and released by that person's adoptive parents or whose adoptive parents' parental rights were terminated;

- (b) An adopted person under 18 years of age who:
 - (i) Has been removed from the custody or guardianship of that person's adoptive parents by order of a court; or
 - (ii) Was freed for adoption but was never subsequently adopted; or
 - (c) An adopted person who is at least 18 years of age and has been determined by a court to be incapacitated.
- B. The following persons may register their names and addresses with the state registrar and request contact with an adopted person or a person freed for adoption as specified in paragraph A:
- (1) A ~~biological~~ genetic parent of an adopted person or of a person freed for adoption but not subsequently adopted;
 - (2) The legal custodian or guardian of a person under 18 years of age whose full sibling or half-sibling is an adopted person or a person freed for adoption;
 - (3) If a ~~biological~~ genetic parent of an adopted person or a person freed for adoption is deceased, a ~~biological~~ genetic mother, legal father, grandparent, sibling, half-sibling, aunt, uncle or first cousin of the deceased ~~biological~~ genetic parent; and
 - (4) A ~~biological~~ genetic sibling or half-sibling, who is at least 18 years of age, of an adopted person or a person freed for adoption.
- C. At the time of registration, each registrant shall indicate with which of the persons specified in paragraphs A and B contact is desired.
- D. A registrant may withdraw from the adoption registry at any time by submitting a written request to the state registrar.
- E. When an adopted person reaches 18 years of age and has not been determined by a court to be incapacitated, the state registrar, after mailing notice to the registrant, shall delete from the adoption registry any prior registration under paragraph A, subparagraph (2), division (a), or subparagraph (3), division (b).

3. Certification of identity and relationship. The state registrar shall require each person registering or requesting contact to provide certification of the registrant's identity and relationship to the person with whom contact is desired and any additional information that is necessary to ensure accurate identification of the registrant and assist in identifying the other party.

3-A. Providing information about available counseling. The state registrar shall provide information about sources of counseling to any person registering or requesting contact.

4. Reviewing departmental files. The state registrar may review both public and confidential departmental files to assist in identifying or verifying the identification of the other party. If both parties have registered, ~~he~~ the state registrar may release those names and addresses even if the relationship was identified or verified by the use of confidential departmental files. ~~He~~ The state registrar may charge a fee for the assistance, which ~~shall~~ must reasonably reflect the cost of providing it.

5. Request for contact. When the state registrar has requests for contact from a person specified in subsection 2, paragraph A; and a person specified in subsection 2, paragraph B; that are related to the same adoption and both persons indicated at the time of registration that contact with the other person was desired, the state registrar shall notify each party of the name and address of the other party and of sources of counseling. If a biological genetic parent, an adoptive parent or an adopted person registered under this section has made a request for contact and the party being sought died in the State, the state registrar shall disclose to the requesting party the fact that the biological genetic parent, adoptive parent or the adopted person has died.

6. Confidentiality. Except as provided in subsection 5, the files established under this section ~~shall be~~ are confidential and not open to public inspection.

7. Public information. The state registrar shall, by appropriate means, make known to the public the existence of the adoption contact files, the assistance the department may offer and the purposes of those files.

Sec. 6. 22 MRSA §2767-A, as enacted by PL 2017, c. 5, §3, is amended to read:

§2767-A. Amendment of birth certificate of adult

1. Amendment of birth certificate. 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 from the 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.

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 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."