



Joint Standing Committee on Judiciary
Testimony of Maine Transgender Network, EqualityMaine, and GLBTQ Legal
Advocates and Defenders.

**LD 747: An Act to Require the Probate Court to Report Name
Changes to the State Bureau of Identification**

March 8, 2023

Senator Carney, Representative Moonen, and honorable members of the Judiciary Committee: my name is Gia Drew, I am the Executive Director of EqualityMaine, and I am testifying today on behalf of MaineTransNet, EqualityMaine, and GLBTQ Legal Advocates and Defenders, neither for nor against LD 474: An Act to Require the Probate Court to Report Name Changes to the State Bureau of Identification.

This bill raises important issues regarding the efficacy of our state background check system to support public safety. The state has a legitimate interest in ensuring that the name change process is not used to evade reporting obligations, violate the law, or to commit fraud. Bills concerning name changes in recent sessions have grappled with this issue. Although most probate courts have adopted additional fraud protection mechanisms since the removal of the public notice requirement, LD 747 addresses one technical issue, communication with the State Bureau of Identification, which is not addressed by these protections.

That said, a core concern of recent changes to Maine's name change statutes was to better ensure the privacy, safety, and protection of all individuals seeking name changes, and especially those with reasonable fear for their safety related to being outed, or escaping abuse. We feel that LD 747 as currently drafted does not sufficiently address these concerns and we urge the committee to amend it.

We are aware of potential fixes that would address these concerns if included. For example, Probate courts could be required to run a criminal history check in advance of granting a name change and to consider the results of that check when

granting a name change. If the judge orders the name change, this information could be submitted to SBI and a linked record containing both names could be created. There may be other ways of meeting both legitimate public safety and fraud concerns while also respecting privacy.

We support the underlying objective of the bill and are eager to work with the committee and the sponsor to draft an amendment that safeguards the public while protecting individual privacy.

Gia Drew (she/her)

On behalf of:

MaineTransNet

EqualityMaine

GLBTQ Legal Advocates & Defenders