

STATE OF MAINE

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

—
H.P. 623 - L.D. 855

**An Act Regarding the Issuance of a Birth Certificate Following a Gender
Marker Change**

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

Sec. 1. 22 MRSA §2705, sub-§5, as amended by PL 1989, c. 818, §3, is further amended to read:

5. Amendment following adoption or legitimization or gender marker change. Amendment of a certificate following adoption or legitimization or gender marker change is governed by section 2765, ~~subsection~~ subsections 2-A and 2-B.

Sec. 2. 22 MRSA §2765, as amended by PL 2017, c. 402, Pt. C, §§47 and 48 and affected by PL 2019, c. 417, Pt. B, §14, is further amended by amending the section headnote to read:

§2765. New certificate of birth following adoption or legitimization or gender marker change

Sec. 3. 22 MRSA §2765, sub-§1, ¶B, as amended by PL 1993, c. 686, §6 and affected by §13, is further amended to read:

B. A request that a new certificate be established and such evidence as the department may require by rule proving that the person has been legitimated; and

Sec. 4. 22 MRSA §2765, sub-§1, ¶C is enacted to read:

C. An application for gender marker change.

Sec. 5. 22 MRSA §2765, sub-§2-A, as amended by PL 2009, c. 601, §20, is further amended to read:

2-A. Certificate after adoption or legitimization or gender marker change. This subsection governs birth certificates after adoption or legitimization or gender marker change.

A. When a new birth certificate is established after adoption pursuant to subsection 1, paragraph A, or subsection 1-A, the actual place and date of birth, the names and

personal data of the adoptive parents at the time of the child's birth and the name of the child after adoption must be entered on the new birth certificate.

(1) At the request of an adopted person who is at least 18 years of age or of the adoptive parents of an adopted child under 18 years of age, the new certificate must carry a notation that it has been amended, all items that have been revised pursuant to the adoption decree must be identified, and the notation "court action" and the date of the adoption decree must be shown on the new certificate.

(2) If the birth certificate has been annotated pursuant to subparagraph (1), the annotation may be deleted in accordance with department regulations at the request of an adopted person who is at least 18 years of age or of the adoptive parents of an adopted child under 18 years of age.

B. When a new certificate is established after legitimation pursuant to subsection 1, paragraph B, the actual place and date of birth, the name of the child and the names and personal data of both parents at the time of birth must be shown. Notwithstanding section 2705, the new certificate may not be marked "amended." The new certificate must be filed with all other birth certificates and is not subject to the provisions of section 2761, subsection 4.

C. When a new certificate of birth is established following adoption or legitimation or gender marker change, it must be substituted for the original certificate of birth. After that substitution, the original certificate of birth and the evidence of adoption or application for gender marker change are not subject to inspection except upon order of the Probate Court or the Superior Court or pursuant to section 2768. The application for legitimation may be released to persons listed on the original birth certificate upon completion of written application to the State Registrar of Vital Statistics or the registrar's designee.

Sec. 6. 22 MRSA §2765, sub-§2-B is enacted to read:

2-B. Certificate after gender marker change. When a new birth certificate is established after changes are made to the gender marker pursuant to subsection 1, paragraph C or subsection 2-A, the requested gender marker and, if requested at the same time, the first and middle names as they appear on the application must be entered on the new birth certificate. A new birth certificate may be requested by a parent on behalf of a minor.

The new birth certificate may not be marked "amended." The new birth certificate must be filed with all other birth certificates.

Additional requirements may be specified in rules adopted by the department.