# **10 DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**146 OFFICE OF DATA, RESEARCH AND VITAL STATISTICS**

**Chapter 2: AMENDMENT OF VITAL RECORDS**

1. Definitions

A. Acknowledgment of Paternity. “Acknowledgment of paternity” means the form prescribed and furnished by the state registrar for the purpose of recording the consent of each parent for entering the father’s name on the birth certificate of an illegitimate child or for recording the execution of such acknowledgment with the Department of Human Services, as specified by 22 MRSA Sec. 2761, subsection 4.

B. Affidavit. “Affidavit” means a statement made before a notary or other official qualified to take oaths.

C. Amendment. “Amendment” means the change, at any time after registration, of any item on a record of birth, marriage, death or fetal death. The record may or may not be marked “Amended”.

D. Applicant. “Applicant” means a person 18 years of age or older who meets the criteria specified in Sections 3(A)(2) and 4(B) of this chapter or has been designated an emancipated minor.

E. Application. “Application” means the application for altering, correcting, completing or otherwise amending a certificate of birth, marriage, death or fetal death (VS-7 or other appropriate form), as prescribed and furnished by the State Registrar.

F. Completion. “Completion” means the addition, at any time after registration, of any required item of information which was not entered on a record of birth, marriage, death or fetal death when it was registered with a municipal clerk.

G. Correction. “Correction” means the striking out of errors on records of birth, marriage, death or fetal death and the substitution of the correct information.

H. Court Determination of Paternity. “Court determination of paternity” means a court order or divorce decree which establishes the paternity of children named on the court document. It may or may not be accompanied by the vital records acknowledgment of paternity form.

I. Error. “Error” means information which was incorrect at the time of entry on the certificate for any reason.

J. Office of Vital Statistics. “Office of Vital Statistics” means the Office of Data, Research, and Vital Statistics.

K. Registration. “Registration” means filing of a record with the municipal clerk as required by law. Registration is complete when the municipal clerk enters the date of filing, and signs the certificate.

L. State Registrar. “State registrar” means the State Registrar, Deputy State Registrar or other designated employee of the Office of Vital Statistics.

2. Responsibilities

A. State Registrar

1. After registration, a certificate of birth, marriage, death or fetal death may be altered, corrected, completed or otherwise amended only in the manner prescribed in this chapter, except as authorized by the state registrar.

2. All alterations, corrections, completions or other amendments to any record of birth, marriage, death or fetal death may be made only by the Office of Vital Statistics, upon approval by the state registrar.

3. Applications and evidence for alterations, corrections, completions, or other amendments shall be submitted to the Office of Vital Statistics for review and action.

4. The state registrar shall evaluate all applications and evidence submitted in support of any alteration, correction, completion or other amendment and shall approve the requested change when supported by appropriate evidence.

5. Upon determination that a record should be altered, corrected, completed or otherwise amended, the Office of Vital Statistics shall send appropriate documentation and instructions for such changes to each municipal clerk who has a copy of the record on file.

6. When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant’s sworn statements or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the reason for this action and shall further advise the applicant of the right of appeal to a court of competent jurisdiction.

7. The state registrar does not have the authority to alter, correct, complete or otherwise amend a report of divorce or annulment. All such actions must be done by the court of jurisdiction who will submit a revised record of divorce or annulment decree to the Office of Vital Statistics, which will be substituted for the previously filed report.

B. Municipal Clerks

1. Municipal clerks shall advise and assist individuals in preparing applications and assembling evidence for alterations, corrections, completions, and other amendments to birth, marriage, death or fetal death records.

2. Municipal clerks shall forward the application and supporting documents to the Office of Vital Statistics if requested by the applicant.

3. Municipal clerks may alter, correct, complete or otherwise amend birth, marriage, death and fetal death records only as instructed by the Office of Vital Statistics.

4. Municipal clerks shall alter, correct, complete or otherwise amend birth, marriage, death, and fetal death records by one of the methods specified in section 6 of this chapter (“Methods of Amending Certificates”) as instructed by the Office of Vital Statistics.

5. If a new certificate of birth is established pursuant to this chapter, all copies of the original certificate shall be sealed from inspection or returned to the Office of Vital Statistics as instructed by the Office.

3. Administrative Corrections and Completions within One Year After Date of Filing

A. Minor Errors

1. Amendment of obvious errors, transposition of letters in words of common knowledge, or omissions may be made by the state registrar within the first year after the date a record is filed, either upon his or her own observation or the observation of a municipal clerk, or upon request of a person with a direct and legitimate interest in the certificate, as specified in paragraphs 2 and 3 below.

2. The registrant, a member of his or her immediate family, his or her guardian, or their respective legal representatives shall be considered to have a direct and legitimate interest. The term “legal representative” shall include an attorney, physician, funeral director, or other authorized agent acting in behalf of the registrant or his or her family. A certifying physician or the person solemnizing a marriage also have a direct and legitimate interest.

3. The request for correction of minor errors shall be made using the application for correcting or completing a certificate (VS-7).

4. The applicant’s signature on the application form must be witnessed by an official authorized to take oaths.

5. Documentary evidence shall be provided as specified in subsections B, C, D, E and F of this section.

6. The application may be presented at the Office of Vital Statistics or at a municipal clerk’s office, or it may be mailed to the Office of Vital Statistics.

7. Correction of minor errors more than one year after the date of filing must be made in accordance with section 5 of this chapter.

B. Correction of Clerical Errors on Birth Certificate

If the facility in which the child was born provides an affidavit within the first year after the date a record is filed that a clerical error on the certificate was made by the facility, it is considered to be a minor error and handled in accordance with paragraph A above.

Notwithstanding the other provisions of this chapter, spelling errors in the names of the child or parents may be corrected under this section only if neither of the parents signed the birth certificate or the worksheet from which the birth certificate was prepared. In all other cases, correction of spelling errors is considered to be an amendment under the provisions of section 7(B) of this chapter.

C. Correction of Clerical Errors on Death Certificate

If the funeral director, or other authorized person, or the informant provides an affidavit within the first year after the date a record is filed that a clerical error was made on the certificate, it is considered to be a minor error and handled in accordance with paragraph A above.

D. Correction of Clerical Errors on Marriage Certificate

If the bride or groom provide an affidavit within the first year after the date a record is filed that a clerical error was made on the certificate, it is considered to be a minor error and handled in accordance with paragraph A above. If the person solemnizing the marriage provides an affidavit within the first year after the date a record is filed that a clerical error was made on the “ceremony” portion of the certificate, it is considered to be a minor error and handled in accordance with paragraph A above.

E. Completion of Cause of Death

Within the first year after a certificate of death or fetal death is filed, the Office of Vital Statistics may query certifying physicians or medical examiners for additional information concerning the cause of death when the medical certification of the cause of death on a death certificate is incomplete or unsatisfactory. The query shall be made using the supplemental cause of death form prescribed and furnished by the state registrar for this purpose. Additional information may also be provided independently by physicians or medical examiners. The state registrar may order information received in response to the query or otherwise to be added to the certificate.

F. Putative Father’s Name on Birth Certificate

1. The mother’s husband at the time of conception and/or birth is the child’s legal father and his name must be so recorded on the birth certificate. If the state registrar determines, based on other vital records or other acceptable documentation, that another name has been entered, it is considered to be a clerical error and handled in accordance with this subsection.

2. If a name other than that of the mother’s husband appears on the birth certificate, it shall be covered with correction tape or other appropriate method, unless directed otherwise by the state registrar, and the legal father’s name shall be substituted.

3. The mother shall receive written notice of such impending change at least ten working days before the record is changed.

4. A child conceived and born out of wedlock may have the name of the putative father entered on the birth certificate only by the filing of an acknowledgment of paternity as specified in section 9 of this chapter. If the state registrar determines that a name has been entered without an acknowledgment of paternity, it is considered to be a clerical error and handled in accordance with this subsection.

5. Notwithstanding subsections A and B above, the administrative corrections specified in this subsection may be made at any time before or after the birth certificate has been registered.

G. Recording the Change

Administrative changes shall be made as directed by the state registrar, either by entering the new information where the item was left blank on the existing certificate or by covering an erroneous entry with correction tape or other appropriate method and substituting the correct information. Entries shall be typewritten whenever possible or clearly printed in black ink.

H. Annotating the Record

A notation as to the item or items changed, source of information and the date the change was made shall be entered on the certificate in such a way as not to become a part of any copy issued.

I. Amendment Status

Certificates corrected or altered under this section shall not be regarded as amended.

J. Fee

There is no fee for administrative correction of minor errors under this section. A copy of the amended record may be obtained through the usual procedure, including payment of the established fee.

4. Medical Examiner Cases

A. Application

1. Medical examiner cases are deaths defined in 22 MRSA § 3025.

2. The Office of the Chief Medical Examiner may complete or amend the death certificate for a medical examiner case at any time after death, using the supplemental cause of death forms prescribed and furnished by the state registrar for the purpose of changing or completing the medical certification of the cause of death and the other information for which the medical examiner is responsible: identity of the deceased, time, date, place, cause, manner and circumstances of death. The form must be signed by the Chief Medical Examiner, Deputy Chief Medical Examiner or the medical examiner who certified on supplemental forms processed through the Office of the Chief Medical Examiner.

B. Recording the Change

1. The form containing the supplemental the information shall be permanently maintained at the Office of Vital Statistics in a manner such that it will be part of any certified or noncertified copy of the record issued by the Office. Copies on file at municipal offices shall be handled as specified in section B, subsection D of this chapter.

2. The form containing the supplemental information on a medical examiner case need not include a summary description of the evidence in support of the completion or amendment.

C. Annotating the Record

1. All items which have been changed or completed shall be identified with an asterisk.

2. The statement “See Attached” shall be entered in the information block if space allows, or in the margin of the certificate, placed so that it will become part of any copy issued. This entry should be typewritten or clearly printed in black ink.

D. Amendment Status

Certificates completed, corrected or altered under this section shall not be regarded as amended.

E. Fee

There is no fee for completing or amending the death certificate in a medical examiner case under this section. A copy of the amended certificate may be obtained through the usual procedure, including payment of the established fee.

5. All Other Amendments

A. Application

1. All amendments to vital records shall be made using the application for altering, correcting, or otherwise amending a certificate (VS-7), except as provided in sections 3 and 4 above, in paragraph 5 below, and in sections 9-11 of this chapter.

2. The applicant’s signature on the application form shall be witnessed by an official authorized to take oaths.

3. In the case of applications to amend birth certificates, both parents shall sign the application if both are living, as specified in section 5, sub-section B, below. Their signatures shall be witnessed by an official authorized to take oaths.

4. The application may be presented at the Office of Vital Statistics or at a municipal clerk’s office, or it may be mailed to the Office of Vital Statistics.

5. All items certified by a physician on a death or fetal death certificate (place, date, time, and cause of death) may be amended only upon completion of the supplemental cause of death form prescribed and furnished by the state registrar for this purpose.

6. Notwithstanding subsection 2 and 3 above, applications for amending vital records in which the applicant’s signature has not been witnessed by an official authorized to take oaths may be accepted during the period January 1 - March 31, 1993. After March 31, 1993, applications without the proper signatures will be returned to the applicant for completion before they are reviewed and processed.

B. Who May Apply

1. To amend a birth certificate, application may be made by the registrant if 18 years of age or over, both parents if living, either parent if the other is deceased, the guardian, or the individual responsible for filing the certificate, as specified in 22 MRSA § 2761 and in sections 7 and 8 of this chapter.

2. To amend a death certificate, application may be made by the informant named on the death certificate, the funeral director or authorized person (pursuant to 22 MRSA § 2846) who signed the death certificate, the physician who certified the death or the decedent’s attending physician.

3. To amend marriage certificates, application may be made by the officiant, the bride or the groom.

C. Documentary Evidence

1. Birth Certificates

a. Corrections of the following items on birth certificates must be supported by at least two documents:

Name of child.

Place of birth.

Date of birth.

Names of parents.

b. Corrections of other items on the birth certificate, as well as spelling errors in the names of the child or parents, must be supported by at least one document.

2. Death Certificates

a. Corrections of the name of the deceased on the death certificate must be supported by at least two documents.

b. Corrections of the place of death, date of death, time of death (if available) and cause of death may be made only by the certifying or attending physician on the supplemental cause of death form prescribed by the state registrar for this purpose.

c. Corrections of other items on the death certificate, as well spelling errors in the decedent’s name, must be supported by at least one document.

3. Marriage Certificates

a. Corrections of the following items on marriage certificates must be supported by at least two documents:

Name of bride or groom.

Place of marriage.

Date of marriage.

b. Corrections of other items on the marriage certificate, as well as spelling errors in the names of the bride or groom, must be supported by at least one document.

4. Evidence

a. Affidavit

An affidavit of personal knowledge by a credible person having first hand knowledge of the facts, and who, for birth certificate change, is as old or older than the applicant. Only one affidavit of personal knowledge may be used for correction or completion of a record.

b. Other documents

Any document or certified copy of a document which supports the alleged facts and was established at least five years prior to the date of application for amending the record.

c. Consistency of documents

All documents used to support corrections of given names or other items must be in agreement with one another.

d. Medical items

All items of a medical nature may be amended only upon receipt of a completed supplemental cause of death form from the physician or medical examiner who signed the medical certification. The state registrar may require documentary evidence to substantiate the requested amendment.

e. Court orders

A court order may be used as documentation providing that it references the specific record to be amended and the specific changes to be made.

D. Disposition of Evidence

After amendments have been made and a description of the evidence on which they are based has been entered on the certificate, the supporting documents shall be returned to the applicant.

E. Amendment Status

Except as specified in sections 3, 4, 8, 9, or 11, all records altered, corrected, or otherwise amended under this chapter shall be regarded as amended and labeled accordingly.

F. Fee

The fee for amending a record shall be paid at the time the application is presented to the Office of Vital Statistics. It includes a complimentary certified copy of the record after amendment.

6. Methods of Amending Certificates

A. Recording Changes

Except as otherwise directed by the state registrar, certificates of birth, marriage, death and fetal death shall be amended in the following manner:

1. Completing the item in any case where the item was left blank on the existing certificate.

2. Drawing a single line through the item to be amended and inserting the new data immediately above or to the side thereof. The line drawn through the original entry shall not obliterate the entry.

3. Labeling the record as “Amended” unless directed otherwise by sections 3, 4, 8 or 9 of this chapter.

B. Annotating the Record

1. Except as provided elsewhere in this chapter, the item or items which have been changed or completed shall be filed with an asterisk.

2. A notation indicating the documentation used as evidence for the change or completion and the date the amendment was made shall be entered in the margin of the certificate. Except as specified in section 3 (“Administrative Corrections”), section 4 (“Medical Examiner Cases”), section 8 (“Addition of Given Names on Birth Certificate”), section 9 (“Addition/Deletion of Father’s Name on Birth Certificate”), and section 11 (“Legal Change of Sex”), the record shall be marked “Amended” and the marginal notation shall be placed so that it will become part of any copy issued.

3. The application for correcting or completing a certificate shall be permanently maintained at the Office of Vital Statistics. Certificates or copies on file in municipal offices shall be handled as specified in subsection D of this section.

4. The acknowledgment of paternity shall be permanently maintained at the Office of Vital Statistics. Copies on file in municipal offices shall be handled as specified in subsection D of this section.

C. New Certificate Prepared

1. A new birth certificate showing only the new information shall be prepared when a legal change of sex has been established in accordance with section 11 of this chapter.

2. The new certificate shall be prepared on the form in use at the time of birth. It shall be given the same State file number as the original record. Signatures appearing on the original record shall be indicated on the new certificate by typing the name and entering “/s/”.

3. When a new certificate is prepared pursuant to this subsection, the original certificate shall be held confidential and only the registrant or his or her other legal representative shall have access to the original record, except by court order.

D. Municipal Records

1. Each custodian of a record for which an amendment has been approved shall record the changes and indicate the evidence supporting the changes as directed in subsections A, B, and C of this section.

2. Information already entered on a record shall not be obliterated by erasure, correction fluid, tape, ink, or any other method except as specifically directed by the state registrar in accordance with section 3, subsection F and section 8, subsection C, paragraph 2 of this rule.

3. Each custodian of an amended record shall file a copy of the approved application for correcting or completing a certificate, or the acknowledgment of paternity, with the amended record or in some manner which will provide for convenient reference.

4. New certificates prepared in accordance with sections 6 and 11 of this chapter shall be handled as directed by the Office of Vital Statistics.

7. Amendment of Registrant’s Given Names on Birth Certificate

A. Within First Year

1. Who May Request Amendment

Given names may be amended within the first year after the birth certificate was filed upon receipt of an application (VS-7) from:

a. Both parents, or

b. The mother in the case of a child born out of wedlock, or

c. The father in the case of the death or incapacity of the mother, or

d. The mother in the case of the death or incapacity of the father, or

e. The guardian or agency having legal custody of the registrant.

2. Recording the Change

A line shall be drawn through name(s) to be changed and the new name(s) entered above or to the side thereof. Entries shall be typewritten whenever possible or clearly printed in black ink.

3. Annotating the Record

An asterisk shall be placed next to the given name. A notation of the source of the request for amendment and the date the change was made shall be entered on the certificate, placed so that it will become part of any copy issued.

4. Amendment Status

Certificates altered under this section shall be regarded as amended and be labeled accordingly.

5. Fee

The fee for amending the birth record under this section shall be paid at the time the application is presented to the Office of Vital Statistics. It includes a complimentary certified copy of the record after amendment.

B. After First Year

After one year from the date of filing, the provisions of sections 5 and 6 must be followed to amend a given name if the name was entered incorrectly on the birth certificate, or a legal change of name order must be submitted from the probate court to change a given name as specified in section 10 of this chapter.

8. Addition of Given Names on Birth Certificates

A. Within First Year

1. Who May Request Addition

Given names may be added to the certificate within the first year after the date of filing, upon receipt of an application (VS-7) from:

a. Both parents, or

b. The mother in the case of a child born out of wedlock, or

c. The father in the case of the death or incapacity of the mother, or

d. The mother in the case of the death or incapacity of the father, or

e. The guardian or agency having legal custody of the registrant.

2. Recording the Change

The name(s) shall be entered where the item was left blank on the existing certificate. Entries shall be typewritten whenever possible or clearly printed in black ink.

3. Annotating the Record

A notation indicating the source of the information added (i.e., applicant) and the date the change was made shall be entered on the certificate in such a way as not to become a part of any copy issued.

4. Amendment Status

Certificates altered or completed under this section shall not be regarded as amended.

5. Fee

The fee for adding given names to the birth record under this section shall be paid at the time the application is presented to the Office of Vital Statistics. It includes a complimentary copy of the record after amendment.

B. After First Year

After one year from the date of filing, the provisions of section 5 and 6 must be followed to add a given name to the birth record, using the application (VS-7) and appropriate documentation. A court order for a legal change of name is not required for addition of a given name if the applicant is adding a name he or she has used most of his or her life.

1. Who May Request Addition

Given names may be added to the certificate subsequent to the first year after the date of filing, upon receipt of an application (VS-7) from the registrant if 18 years of age or older, both parents, the mother in the case of a child born out of wedlock, or the father in the case of the death or incapacity of the mother, or the mother in the case of the death or incapacity of the father.

2. Recording the Change

The name(s) shall be entered in the name blocks on the certificate. Entries shall be typewritten whenever possible or clearly printed in black ink.

3. Annotating the Record

A notation indicating the source of the information added (i.e., documentation) and the date the change was made shall be entered on the certificate in such a way as to become a part of any copy issued.

4. Amendment Status

Certificates altered or completed under this section are regarded as amended.

5. Fee

The fee for adding given names to the birth record under this section shall be paid at the time the application is presented to the Office of Vital Statistics. It includes a complimentary certified copy of the record after amendment.

9. ADDITION/DELETION OF FATHER’S NAME ON BIRTH CERTIFICATE

A. Paternity Acknowledged

In the case of a child conceived and born out of wedlock, the name of the putative father may be entered on the birth certificate only upon receipt of an acknowledgment of paternity on the form prescribed and furnished by the state registrar and signed by each parent before an official authorized to take oaths.

B. Court Determination

Notwithstanding the provisions of subsection A above, if a determination of paternity has been made by a court of competent jurisdiction, either as separate action or as a part of a divorce decree or child protective order, the father’s name shall be entered on or deleted from the birth certificate without the consent of either or both parents. The court order or divorce decree is considered to be an acknowledgment of paternity for the purposes of this chapter.

B-1. Acknowledgment by Department

Notwithstanding the provisions of subsection A above, if the putative father executes an acknowledgment of paternity with the Department of Human Services, and the putative father is either named in writing by the mother as the father or is presumed to be the father based on the results of blood or tissue-typing tests, the name of the father must be entered on the birth certificate without the father’s or the mother’s consent.

C. Filing the Acknowledgment of Paternity/Court Determination

Acknowledgment of paternity, either by affidavit or court order, may be made and attached to the birth certificate at any time before or after registration has been completed.

1. A completed acknowledgment must accompany the birth certificate of a child born out of wedlock if the father’s name appears on the certificate when it is filed. Copies of the acknowledgment shall be attached to each copy of the birth certificate and forwarded to the Office of Vital Statistics and the child’s place of residence.

2. If a father’s name appears on the birth certificate of a child born out of wedlock without the required acknowledgment of paternity being attached to the certificate, the state registrar shall order that name to be removed from the birth certificate by the use of correction tape or other appropriate method, in accordance with section 3, subsection F of this chapter. The state registrar shall also order the municipality to remove the father’s name in the same manner.

3. If an acknowledgment of paternity for a child born out of wedlock is received by the municipal clerk at the place of birth or of residence after the birth certificate has been filed, the municipal clerk shall enter the father’s name on the certificate and forward the state copy of the acknowledgment to the Office of Vital Statistics. The Office will forward copies to other custodians of the record as appropriate.

4. Acknowledgments executed with the Department of Human Services’ Division of Support Enforcement and Recovery pursuant to subsection B-1 of this section must be presented directly to the Office of Vital Statistics. Such acknowledgments shall be made on the form prescribed and furnished by the state registrar for this purpose.

5. In all other cases, including court determinations of paternity and divorce decrees, acknowledgments of paternity shall be presented in person or by mail to the Office of Vital Statistics.

6. If the court determination of paternity for a child born in wedlock indicates that the man whose name is entered on the certificate is not the child’s biological father, the state registrar shall order that name to be removed from the birth certificate by the use of correction tape or other appropriate method in accordance with section 3, subsection F of this chapter. The name of the man who is determined by the court to be the biological father is then entered, as directed by the court, in accordance with subsection B of this section.

7. Court determinations and divorce decrees provide direction only for the amendment (addition or deletion) of the father’s name on the birth certificate. If other changes are desired, the procedures specified in sections 5 and 6 of this Chapter shall be used. The court order and/or divorce decree may be used as documentary evidence supporting the desired changes in other items.

D. Recording the Change

The father’s name shall be entered where the item was left blank on the existing certificate. His age or date of birth and birth place shall be entered if known. Entries shall be typewritten whenever possible or clearly printed in black ink.

E. Annotating the Record

1. No notation shall be made on the certificate based on acknowledgment of paternity, except as specified in paragraph 2, below. The mother’s marital status is not affected by the change nor is the child’s legitimacy status changed. The acknowledgment of paternity shall be permanently maintained at the Office of Vital Statistics and in municipal offices, as specified in section 6, sub-section B(4) of this chapter.

2. If the paternity determination has been made by a court or as part of a divorce decree, a notation indicating the source of the information added (e.g., court order, divorce decree) and the name of the court, the date of the order, and the docket number shall be entered on the record, in such a way as not to become a part of any copy issued. The court documentation may then be destroyed. If the court has provided an acknowledgment of paternity form as part of the court order or divorce decree, the acknowledgment shall be permanently maintained as specified in section 6, sub-section B(4) of this chapter.

F. Amendment Status

Certificates completed under this section shall not be regarded as amended.

G. Fee

There is no fee for altering or completing the birth record under this section. A copy of the amended record may be obtained through the usual procedure, including payment of the established fee.

10. LEGAL CHANGE OF NAME

A. Application

1. When a person born in this State acquires a new name by judicial decree from a court of competent jurisdiction, the clerk of the court shall file the appropriate notification form (VS-14) with the Office of Vital Statistics upon the written request of the registrant (aged 18 or older), his or her parents, guardian, or legal representative if under the age of 18.

2. If the applicant wishes to amend items on his or her birth certificate in addition to the change in name, it must be done in accordance with sections 5 and 6 of this chapter.

B. Recording the Change

A line shall be drawn through the name(s) to be changed and the new name(s) entered above or to the side thereof. Entries shall be typewritten whenever possible or clearly printed in black ink.

C. Annotating the Record

An asterisk shall be placed next to the name. A notation of the date of the court action, the name and location of the court, and the date the record was amended shall be entered on the certificate, placed so that it will become part of any copy issued.

D. Amendment Status

Certificates altered under this section shall be regarded as amended and be labeled accordingly.

E. Copies

Notwithstanding subsection C, above, certified copies of records with legal name changes finalized from January 1, 1982 through the effective date of this chapter, January 1, 1993, may not be issued by photocopying. Certified copies shall be typed and shall show only the name acquired by judicial decree. The copies shall have a marginal notation that the name was changed by judicial decree and shall show the name and location of the court.

F. Fee

1. The fee for processing each court ordered legal name change shall be paid at the time that the request and court order are presented to the Office of Vital Statistics. It includes a complimentary certified copy of the record after amendment.

2. If other amendments, in addition to the legal name change, are requested at the same time, the additional fee may be waived by the state registrar.

11. LEGAL CHANGE OF SEX

A. Application

Any person born in the State whose sex has been changed by surgical procedure and whose name has been changed by judicial decree from a court of competent jurisdiction may present a certified copy of the notification form (VS-14), a notarized affidavit by the physician who performed the surgical procedure to the Office of Vital Statistics and a form VS-7 requesting that his or her birth certificate be amended accordingly.

B. Recording the Change

A new birth certificate shall be prepared in accordance with section 6, subsection C of this chapter.

C. Annotating the Record

A notation shall be entered on the certificate indicating that the name of the registrant has been changed pursuant to court order. The date of the court action, the name and location of the court, the date surgical procedures were completed, and the day the record was amended shall also be entered on the certificate, in such a way as not to become a part of any copy issued.

D. Amendment Status

Certificates established under this section shall not be regarded as amended.

E. Fee

The fee for processing a legal sex change shall be paid at the time that the request and the surgeon’s affidavit are presented to the Office of Vital Statistics. It includes a complimentary certified copy of the new record after amendment.

12. AMENDMENT OF SAME ITEM MORE THAN ONCE

Except as specified below, once an amendment of an item is made on a vital record, that item shall not be amended again except upon receipt of a court order from a court of competent jurisdiction.

A. Addition of Given Names

Additional names may be added to the birth certificate at any time, in accordance with section 8 of this chapter.

B. Legal Changes of Name

Legal name changes may be entered at any time, in accordance with section 10 of this chapter.

C. Medical Examiner Cases

Death certificates in medical examiner cases may be completed or amended at any time in accordance with section 4 of this chapter.

D. Adoptions

1. Items on post-adoption birth certificates which were not changed by the adoption decree may be corrected in accordance with sections 3 and 5 of this chapter. Any other changes may be made only upon receipt of a court order or an amended adoption decree.

2. Annotations on post-adoption birth certificates indicating which items were changed by the adoption decree shall be deleted upon the request of the adopted person, if 18 years or age or older, or the adoptive parents of a minor adopted person.

E. Other Court Order

Any information which has been amended pursuant to a court order may be further amended only in response to another court order or to an amendment of the original order.

STATUTORY AUTHORITY: 22 MRSA §2701-2706, 2761

EFFECTIVE DATE: August 1, 1982

AMENDED: January 1, 1993

March 12, 1994

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 5, 1996

APAO WORD VERSION CONVERSION (IF NEEDED) AND ACCESSIBILITY CHECK: July 16, 2025