

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 30

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE.

AN ACT amending and additional to Chapter Sixty-one of the
Revised Statutes, relating to Marriage and the Registration
of Vital Statistics.

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

Section I. Section four of chapter sixty-one of the revised
2 statutes is hereby amended by adding thereto the words
3 "Persons who are non-residents of the State intending to be
4 married in this State, shall have their intentions of marriage
5 recorded in the office of the clerk of the town in which they
6 propose to have the marriage solemnized, and the clerk may,
7 upon request, issue his certificate on the same day in which
8 he records the intentions of marriage of non-residents, but

9 no person shall marry any couple before he has received the
10 certificate issued by the town or city clerk," so that said sec-
11 tion, as amended, shall read as follows :

‘Section 4. Residents of the State intending to be joined
13 in marriage shall cause notice of their intentions to be record-
14 ed in the office of the clerk of the town in which each resides,
15 at least five days before a certificate of such intentions is
16 granted ; and if one only of the parties resides in the State,
17 they shall cause notice of their intentions to be recorded in
18 the office of the clerk of the town in which such party resides,
19 at least five days before such certificate is granted ; and the
20 book in which such record is made, shall be labelled on the
21 outside of its cover, "Record of intentions of marriage," and
22 be kept open to public inspection in the office of the clerk ;
23 and if there is no such clerk in the place of their residence,
24 the like entry shall be made with the clerk of an adjoining
25 town. Persons who are non-residents of the State, intend-
26 ing to be married in this State, shall have their intentions of
27 marriage recorded in the office of the clerk of the town in
28 which they propose to have the marriage solemnized, and
29 the clerk may, upon request, issue his certificate on the same
30 day in which he records the intentions of marriage of non-
31 residents, but no person shall marry any couple before he
32 has received the certificate issued by the town or city clerk.’

Sect. 2. Section seven of chapter sixty-one of the revised
2 statutes is hereby amended so that the same, when amended,
3 shall read as follows :

‘Section 7. When residents of this State go into another
5 state for the purpose of marriage, and it is there solemnized,
6 and they return to dwell here, they shall, on the blank pre-
7 pared by the State registrar for that purpose, fill out and file
8 a certificate of their marriage with the clerk of the town in
9 which each of them lived, within seven days after their
10 return. The clerk shall then record such marriage. Any
11 person who fails to make the report of his marriage to the
12 town clerk as is herein provided shall forfeit twenty dollars,
13 half to the prosecutor, and half to the town where the for-
14 feiture is incurred.’

Sect. 3. Section 25 of chapter sixty-one of the revised
2 statutes is hereby amended so that said section, as amended,
3 shall read as follows:

‘Section 25. Within six days following such events, par-
5 ents shall report to the clerk of their city or town the births
6 or deaths of their children; householders shall report every
7 birth or death happening in their houses; the eldest person,
8 next of kin, shall report the death of his kindred; the keeper
9 of a workhouse, house of correction, prison, hospital, alms-
10 house, or other institution, and the master or other com-
11 manding officer of a ship, shall report every birth or death
12 happening among the persons under his charge; and parents
13 and other persons enumerated in this section shall not be
14 absolved from the duty of reporting births until the names
15 of the children have been given to the clerk of the city or
16 town in which the births occur.’

Sect. 4. Section 28 of chapter sixty-one of the revised statutes is hereby amended by striking out the words "from whom said permit was obtained" in the eleventh line and inserting in place thereof the words "in which the death occurred," so that said section, as amended, shall read as follows:

'Section 28. Except as provided in section twenty-three, no interment or disinterment of the dead body of any human being, or disposition thereof in any tomb, vault or cemetery, shall be made without a permit as aforesaid, from the clerk of the town or city where said person died, or in case of disinterment, is buried, nor otherwise than in accordance with such permit. No undertaker or other person shall assist in, assent to, or allow any such interment or disinterment to be made, except as provided in section twenty-three, until such permit has been given as aforesaid; and every undertaker or other person having charge of any burial place as aforesaid, who shall receive such permit, shall preserve and return the same to the clerk of the town in which the death occurred within six days after the day of burial.'

Section 5. Section 29 of chapter sixty-one of the revised statutes is hereby amended by striking out the word "shall" in the first line and inserting in the place thereof the word "may," and by striking out the words "record of death" after the word "said" in the fifth line and inserting in place thereof the words "death certificate," and by adding to said section

7 the words, “and the sub-registrars in any town shall hold
8 office at the pleasure of the town clerk,” so that said section,
9 as amended, shall read as follows:

‘Section 29. The town or city clerk may appoint two suit-
11 able and proper persons, in each town or city, as sub-regis-
12 trars, who shall be authorized to issue burial permits based
13 upon a death certificate, as hereinbefore provided, in the
14 same manner as is required of the town or city clerk; and
15 the said death certificate upon which the permit is issued
16 shall be forwarded to the town clerk within six days after
17 receiving the same, and all permits by whomsoever issued
18 shall be returned to the town clerk as required by section
19 twenty-eight. The appointment of sub-registrars shall be
20 made with reference to locality, so as to best suit the con-
21 venience of the inhabitants of the town, and such appoint-
22 ment shall be in writing and recorded in the office of the
23 town or city clerk, and the sub-registrars in any town shall
24 hold office at the pleasure of the town clerk.’

Sect. 6. Section thirty-five of chapter sixty-one of the
2 revised statutes is hereby amended by striking out the words
3 “twenty-five hundred” in the first line and inserting in lieu
4 thereof the words ‘three thousand,’ so that said section, as
5 amended, shall read as follows:

‘Section 35. The sum of three thousand dollars a year, is
7 hereby appropriated for printing and binding the circulars
8 and blanks, for postage and expressage, and to defray the
9 expenses of clerical work and the necessary travelling ex-

10 penses of the State registrar in carrying out the provisions
11 of this chapter relating to the registration of vital statistics.'

Sect. 7. Section thirty-eight of chapter sixty-one of the
2 revised statutes is hereby amended by inserting after the
3 word "ten" in the second line thereof the word "nineteen,"
4 and by inserting after the word "twenty" in the same line
5 thereof, the word "twenty-one," so that said section, as
6 amended, shall read as follows:

'Section 38. The clerk of each city or town shall enforce,
8 so far as comes within his power, sections ten, nineteen,
9 twenty, twenty-one, twenty-two, twenty-five, twenty-eight
10 and thirty-one of this chapter, and when he knows of any
11 birth, marriage or death, which is not reported to his office
12 in accordance with the provisions of this chapter, he shall
13 collect so far as he is able to do so, the facts called for in
14 the blank certificates of birth, of marriage, or of death, as
15 furnished by the State registrar, and shall record them as is
16 herein prescribed; for each birth or death duly reported to
17 the town clerk, physicians shall receive twenty-five cents
18 from the town in which the birth or death has occurred.'

Sect. 8. When the State registrar of vital statistics
2 believes that, in any place in this State, the records of births,
3 marriages, or deaths are not made as is provided by law, or
4 that any person neglects or fails to perform any duty pro-
5 vided in the law relating to the registration of vital statistics,
6 the said registrar may visit such places and make such inves-
7 tigations as he may deem necessary, and all records, blanks

8 and papers of town clerks relating to births, marriages or
9 deaths shall be open to his examination, and any person who
10 refuses such examination or hinders such investigation shall
11 be guilty of a misdemeanor and shall be fined not less than
12 five nor more than twenty dollars. All actual travelling and
13 other necessary expenses thus incurred by the State regis-
14 trars or incurred in attending the prosecution of cases
15 brought by county attorneys, under the provisions of section
16 thirty-seven of this chapter, shall be paid by the State from
17 the appropriation provided in section thirty-five, but not
18 more than two hundred dollars shall thus be paid to the State
19 registrar for such expenses in one year.

Sect. 9. When a town or city clerk receives a certificate of
2 the death of any person who has died of tuberculosis in his
3 town, he shall forthwith send a copy of said certificate to the
4 health officer of his town or city, or where there is no health
5 officer, to the secretary of the local board of health.

Sect. 10. The registrar of vital statistics shall require all
2 copies which are transmitted under the provisions of section
3 thirty-two of chapter sixty-one to be typewritten or written
4 with black durable ink in a fair and legible hand, and a city
5 or town clerk who neglects or refuses to make or cause to be
6 made typewritten or fair and legible copies as required shall
7 forfeit not less than twenty nor more than one hundred dol-
8 lars to the use of the State.

STATEMENT.

The increase in the annual appropriation for the use of the Department of Vital Statistics is rendered necessary by the fact that it is absolutely impossible to pay, with the present appropriation, the bills for printing and the other necessary expenses. Aside from the needs of its own office, the Department furnishes for the use of all the city and town clerks cards, blanks, circulars, and other papers required in carrying out the provisions of the law relating to the registration of births, marriages and deaths in the whole State. A deficit for 1908 remains unpaid, and other printing which should have been done before the end of the year could not be done.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, Jan. 27, 1909.

Reported by Mr. HERSEY from Committee on Judiciary
and ordered printed and recommitted.

E. M. THOMPSON, *Clerk.*