

MAINE STATE LEGISLATURE

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PART 6

BIRTHS, MARRIAGES AND DEATHS

Chap.	Sec.
701. General Provisions	2701
703. Birth Records	2761
705. Marriage Records and Licenses	2801
707. Deaths and Burials	2841
709. Disposal of Dead Bodies	2881

CHAPTER 701

GENERAL PROVISIONS

- Sec.
2701. Duties of department.
2702. Duties of municipal clerks.
2703. Birth, marriage or death in unincorporated place.
2704. Registration of births and deaths at Veterans Administration Center.
2705. Correction of errors on vital statistics records.
2706. Disclosure of vital records.
2707. Evidentiary character of vital records.
2708. Penalties.
2709. Duty of registrar when law violated.

§ 2701. Duties of department

The Department of Health and Welfare shall establish an Office of Vital Statistics which shall maintain a state-wide system for the registration of vital statistics.

1. Registrar. The Commissioner of Health and Welfare shall appoint a State Registrar of Vital Statistics, who shall be qualified in accordance with the standards of education and experience prescribed by the State Department of Personnel.

2. Supervision. The state registrar shall have charge of the Office of Vital Statistics and be custodian of its files and records. He shall preserve all certificates, records and other reports returned to him under this Title. He shall have general supervision of this Title and the regulations of the department relating to the

registration of vital statistics, and shall direct the activities of municipal clerks in the registration of vital statistics.

3. Forms and reports. The state registrar shall prescribe and furnish forms and issue instructions necessary to the administration of the vital statistics system. He shall prepare and publish annual reports of vital statistics and such other reports as are requested by the department.

4. Uniformity. The forms of certificates, records and other reports required by the laws governing the registration of vital statistics shall be designed with due consideration for national uniformity in vital statistics and record service.

R.S.1954, c. 25, § 378; 1957, c. 298, § 1.

§ 2702. Duties of municipal clerks

The clerk of each municipality in this State shall keep a chronological record of all live births, marriages, deaths and fetal deaths reported to him under this Title. Such record shall be kept as prescribed by the state registrar.

1. Enforce law and regulations. Each municipal clerk in this State shall enforce, so far as comes within his jurisdiction, this Title and the regulations of the department relating to the registration of vital statistics.

2. Transmittal of certificates to state registrar. Between the 10th and 15th of each month, the clerk of each municipality in this State shall transmit to the state registrar each original certificate of live birth, death and fetal death, and a certified copy of each original certificate of marriage returned to him under this Title during the calendar month next previous. If a municipal clerk has received no original certificates during said month for which certificates or records are to be transmitted, he shall notify the state registrar that he has no certificates or records to transmit.

3. Transmittal of certificates to other municipalities. When the parents of any child born are residents of any other municipality in this State, or when any deceased person was a resident, or was buried in any other municipality in this State, the clerk of the municipality where such live birth or death occurred shall, between the 10th and the 15th of the month next following, transmit a certified copy of the certificate of such live birth or death to the clerk of the municipality where such parents reside, or where the deceased was a resident, or was buried.

1957, c. 298, § 2.

§ 2703. Birth, marriage or death in unincorporated place

When a birth, marriage or death occurs in an unincorporated place, it shall be reported to the town clerk in the town which is nearest to the place at which the birth, marriage or death took place, and shall be recorded by the town clerk to whom the report is made. All such reports and records shall be made and recorded and returned to the state registrar.

R.S.1954, c. 25, § 393.

§ 2704. Registration of births and deaths at Veterans Administration Center

Certificates of live births, deaths and fetal deaths occurring at the Veterans Administration Center at Togus shall be filed directly with the state registrar. The state registrar shall forward copies of all such certificates of live birth, death and fetal death to the clerk of the municipality where the parents of the child reside or where the deceased was a resident or was buried.

1959, c. 291, § 7.

§ 2705. Correction of errors on vital statistics records

Except as provided by this Title, a certificate or record filed under chapters 701 to 707 may be altered or amended only in accordance with such regulations as the department may adopt to protect the integrity of vital statistics records.

1. Amended certificate. A certificate which has been altered or amended after its filing shall be marked "amended," and the date on which the certificate or record was amended and a summary description of the evidence submitted in support of the correction shall be endorsed on the record. Any certified copies of certificates or records amended under this section shall be marked "amended."

2. Incomplete certificates. Incomplete certificates and records may be completed from a supplementary form within one year after the date of filing without being considered altered or amended.

R.S.1954, c. 25, § 400; 1957, c. 298, § 9.

§ 2706. Disclosure of vital records

Custodians of certificates and records of birth, marriage and death may permit inspection of records, or issue certified copies of certificates or records, or any parts thereof, when sat-

ified that the applicant therefor has a direct and legitimate interest in the matter recorded, the decision of the state registrar or the clerk of a municipality being subject to review by the Superior Court, under the limitations of this section.

1. Illegitimacy. No official in this State shall permit inspection, or issue a certified copy of any certificate or record of birth disclosing illegitimacy. Such a record may be disclosed or a certified copy issued upon request of the illegitimate himself, or his legal guardian or counsel or of petitioners for adoption or in response to court process.

2. Statistical research. The state registrar may permit the use of data contained in vital records for purposes of statistical research. Such data shall not be used in a manner which will identify any individual.

3. National statistics. The national agency responsible for compiling national vital statistics may be furnished such copies or data as it may require for national statistics. The State shall be reimbursed for cost of furnishing such copies or data, and such data shall not be used in a manner which will identify any individual, except as authorized by the state registrar.

4. Unlawful disclosure of data. It shall be unlawful for any employee of the State or of any municipality in the State to disclose data contained in such records except as authorized in this section.

5. Persons own records disclosed. Vital records of a person shall be made available at any reasonable time upon his request or to his duly designated attorney or agent, or attorney for an agent designated by such person or by a court having jurisdiction over said person whether the request be made in person, by mail, telephone or otherwise, provided the registrar is satisfied as to the identity of the requester, and if an attorney or agent, provided the registrar is satisfied as to his authority to act as such agent or attorney. If such agent or attorney has been appointed by a court of competent jurisdiction, or his appearance for such person is entered therein, the registrar shall upon request so ascertain by telephone call to the register, clerk or recorder of said court, and this shall be deemed sufficient justification to compel compliance with the request for said record. The state registrar shall, as soon as possible, designate persons in the Office of Vital Statistics who may act in his absence, or in case of his disqualification, to carry out the intent of this subsection. (1961, c. 274.)

1957, c. 298, § 7; 1961, c. 274; c. 317, § 43.

§ 2707. Evidentiary character of vital records

Any certificate or record of any live birth, marriage, death or fetal death filed under this Title, or a copy thereof duly certified by its official custodian, shall be prima facie evidence of the fact of such birth, marriage, death or fetal death, if not "amended" or "delayed." The probative value of "amended" or "delayed" records shall be determined by the judicial or administrative body or official before whom the certificate is offered in evidence.

R.S.1954, c. 25, § 399; 1957, c. 298, § 8.

§ 2708. Penalties

1. Willful falsification. Any person who willfully falsifies, willfully provides false information, makes or alters any certificate or certified copy except as provided for in this Title, or who knowingly possesses and uses any such false or altered certified copy, or knowingly possesses and uses as his own, any certificate or certified copy pertaining to another person, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 and not more than \$1,000 or by imprisonment for not more than one year, or by both.

1963, c. 172.

2. General. Any person who knowingly transports or accepts for transportation, interment or other disposition, a dead body without an accompanying permit issued in accordance with this Title; any person who refuses to provide information required by this Title; or any person who violates any of the provisions of this Title having to do with the registration of vital statistics or neglects or refuses to perform any of the duties imposed upon him by this Title, having to do with the registration of vital statistics, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$25 nor more than \$100.

R.S.1954, c. 25, § 401; 1959, c. 291, § 8; 1963, c. 172.

§ 2709. Duty of registrar when law violated

When the State Registrar of Vital Statistics believes that, in any place in this State, the certificates or records of live births, marriages, deaths or fetal deaths are not made or kept as is provided by law, or that any person neglects or fails to perform any duty required in the law relating to the registration of vital statistics, the said registrar may visit such places and make such investigations as he may deem necessary, and all records, blanks

and papers of town clerks relating to live births, marriages, deaths or fetal deaths shall be open to his examination. Any person who refuses to permit or hinders the examination or investigation shall be punished by a fine, of not less than \$25 nor more than \$50.

When the state registrar knows, or has good reason to believe, that any penalty or forfeiture under the law relating to vital statistics has been incurred, he shall forthwith give notice thereof, in writing, to the county attorney of the county in which said penalty or forfeiture has occurred, which notice shall state as near as may be the time of such neglect, the name of the person or persons incurring the penalty or forfeiture, and such other facts relating to the default of duty as said registrar may have been able to learn, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.

R.S.1954, c. 25, § 403; 1959, c. 291, § 9.