

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1493

S.P. 545

In Senate, May 4, 1995

An Act to Modernize Vital Statistics Reporting.

Submitted by the Department of Human Services pursuant to Joint Rule 24.
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator PENDEXTER of Cumberland.

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

2 **Sec. 1. 22 MRSA §2701, sub-§3** is amended to read:

4 **3. Forms and reports.** The state registrar shall prescribe
6 and furnish forms and issue instructions necessary to the
administration of the vital statistics system or prescribe other
8 means of transmission of data that accomplishes the purpose of
10 complete and accurate reporting and registration. He ~~The~~ state
12 registrar shall prepare and publish annual reports of vital
statistics and such other reports as are requested by the
department.

14 **Sec. 2. 22 MRSA §2701, sub-§7** is enacted to read:

16 **7. Definitions.** As used in this section, unless the
18 context otherwise indicates, the following terms have the
following meanings.

20 A. "File" means the presentation and acceptance of a vital
22 record or report for registration by the Office of Vital
Statistics or a municipal clerk as specified in departmental
24 rule.

26 B. "Date of filing" means the date a vital record is
28 accepted for registration by the Office of Vital Statistics
or a municipal clerk.

30 **Sec. 3. 22 MRSA §2701-A** is enacted to read:

32 **§2701-A. Contents of certificates and reports**

34 1. Format. Each certificate, report or other document
36 required by this section must be prepared in the format approved
by the state registrar.

38 2. Filing date. All vital records must contain the date of
filing.

40 **Sec. 4. 22 MRSA §2702, sub-§2**, as amended by PL 1989, c. 225,
42 §5, is repealed and the following enacted in its place:

44 2. Transmittal of certificates to state registrar. Except
46 as authorized by the state registrar, a record received in a
municipal office must be transmitted by the clerk of the
48 municipality to the state registrar within a reasonable period of
time as specified by department rule and in the format specified
by the state registrar.

2 **Sec. 5. 22 MRSA §2702, sub-§3**, as amended by PL 1985, c. 25,
is further amended to read:

4 **3. Transmittal of certificates to other municipalities.**
When ~~Except as authorized by the state registrar, when~~ the
6 parents of any child born are residents of any other municipality
in this State, or when any deceased person was a resident of any
8 other municipality in this State, the clerk of the municipality
where that live birth or death occurred shall, ~~between the 10th~~
10 ~~and the 15th of the month next following~~ at the same time,
transmit the record to the state registrar and transmit a
12 certified copy of the certificate of the live birth or death to
the clerk of the municipality where the parents reside, or where
14 the deceased was a resident.

16 **Sec. 6. 22 MRSA §2761**, as amended by PL 1993, c. 410, Pt. V,
§13, is further amended to read:

18 **§2761. Registration of live births**

20 A certificate of each live birth ~~which~~ that occurs in this
22 State shall must be filed with the clerk of the municipality in
which such the live birth occurred ~~within 14 days after the date~~
24 ~~of birth~~ or as otherwise directed by the state registrar and must
be registered if the certificate has been completed and filed in
26 accordance with this section.

28 **1. Certificate from hospital.** When the live birth occurs
in a hospital or ~~related~~ an institution, or en route to the
30 hospital or institution, the person in charge of such the
institution or the person's authorized designee shall be
32 ~~responsible for entering information on the certificate, for~~
~~securing signatures required on the certificate, and for filing~~
34 ~~the certificate with the clerk of the municipality~~ obtain the
personal data, prepare the certificate, certify by signature or
36 by electronic process that the child was born alive at the place
and time and on the date stated and file the certificate as
38 directed in subsection 3. The physician or other person in
attendance shall provide the medical information required by the
40 certificate in a timely fashion, in accordance with department
rule.

42 ~~2. Date of birth. On each such certificate, the physician~~
44 ~~in attendance shall verify or provide the date of birth and~~
~~medical information required within 7 days after birth.~~

46 **3. Birth outside an institution.** ~~Except as provided in~~
48 ~~this section, the certificate shall be prepared and filed by~~ When
a birth occurs outside an institution, the certificate must be

2 prepared and filed by one of the following in the indicated order
3 of priority:

4 A. The physician or other person in attendance ~~on~~ at or
5 immediately after the birth, ~~or in the absence of such a~~
6 ~~person,~~

7 B. The father; ~~or in the absence of both of these,~~

8 C. The mother; ~~or in the absence of the aforesaid, and in~~
9 ~~the inability of the mother,~~

10 D. The person in charge of the premises where the live
11 birth occurred.

12 **3-A. Parentage.** For the purposes of birth registration,
13 the mother is deemed to be the woman who gives birth to the
14 child, unless otherwise determined by a court of competent
15 jurisdiction prior to the filing of the birth certificate. If
16 the mother was married at the time of either conception or birth,
17 or between conception and birth, the name of the husband must be
18 entered on the certificate as the father of the child, unless
19 paternity has been determined otherwise by a court of competent
20 jurisdiction.

21 **4. Out-of-wedlock birth.** Except as otherwise provided in
22 this subsection, ~~in the case of a child conceived and born out of~~
23 ~~wedlock,~~ if the mother was not married at the time of either
24 conception or birth, or between conception and birth, neither
25 the name of the putative father nor any other information about the
26 putative father may not be entered on the certificate without his
27 written consent and that of the mother. The signature of the
28 putative father on the written consent must be acknowledged
29 before an official authorized to take oaths. The signature of the
30 mother on her written consent must also be acknowledged before an
31 official authorized to take oaths. If a determination of
32 paternity has been made by a court of competent jurisdiction,
33 then the name of the father as determined by the court must be
34 entered on the birth certificate without the father's or the
35 mother's consent. If the putative father executes an
36 acknowledgement of paternity with the department and the putative
37 father is either named in writing by the mother as the father or
38 is presumed to be the father based on the results of blood or
39 tissue-typing tests, the name of the father must be entered on
40 the birth certificate without the father's or the mother's
41 consent.

42 **4-A. Information verified.** Either of the parents of the
43 child or an informant shall verify the accuracy of the personal
44 data to be entered on the certificate.

