

MAINE STATE LEGISLATURE

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Date: 4/6/11

L.D. 258
(Filing No. H-77)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 211, L.D. 258, Bill, "An Act Relating to Access to Vital Records"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA §2706, as amended by PL 2009, c. 601, §12, is further amended to read:

§2706. Disclosure of vital records

Custodians of certificates and records of birth, marriage and death ~~may~~ shall permit inspection of records, or issue certified or noncertified copies of certificates or records, or any parts thereof, when satisfied 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.

2. Statistical research. The state registrar may permit the use of data contained in vital records for purposes of statistical research. Such data may not be used in a manner that 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 must be reimbursed for cost of furnishing such copies or data, and such data may not be used in a manner that will identify any individual, except as authorized by the state registrar.

4. Unlawful disclosure of data. It is 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 and except that a clerk of a municipality may cause to be printed in the annual town report the births reported within the year covered by the report, by number of births and location by city or town where birth occurred, deaths reported within the year covered by the report, by date of death, name, age and location by city or town where death occurred, and marriages reported within the year covered by the report

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1 by names of parties and date of marriage. All other details of birth, marriage, divorce or
 2 death may not be available to the general public, except as specified in department rules.

3 **5. Records disclosed.** ~~Vital~~ Certified or noncertified copies of vital records of a
 4 person must be made available at any reasonable time upon that person's request or the
 5 request of that person's spouse, registered domestic partner, ~~descendants~~ descendant,
 6 parents ~~parent~~ or guardians ~~guardian, grandparent, sibling, stepparent, stepchild, aunt,~~
 7 uncle, niece, nephew, mother-in-law, father-in-law, personal representative or that
 8 person's duly designated attorney or agent or attorney for an agent designated by that
 9 person or by a court having jurisdiction over that person whether the request be made in
 10 person, by mail, by telephone or otherwise, if the state registrar is satisfied as to the
 11 identity of the requester and, if an attorney or agent, if the state registrar is satisfied as to
 12 the attorney ~~attorney's~~ or agent's authority to act as that person's agent or attorney. If the
 13 agent or attorney has been appointed by a court of competent jurisdiction, or the attorney
 14 attorney's or agent's appearance for the person is entered therein, the state registrar shall
 15 upon request so ascertain by telephone call to the register, clerk or recorder of the court,
 16 and this must be deemed sufficient justification to compel compliance with the request
 17 for the record. The state registrar shall, as soon as possible, designate persons in the
 18 Office of Data, Research and Vital Statistics who may act in the state registrar's absence
 19 or, in case of the state registrar's disqualification, to carry out the intent of this subsection.
 20 A record of birth, death, fetal death, marriage, divorce or domestic partner registration
 21 may be disclosed as necessary for the department to carry out its responsibilities.

22 **6. Address Confidentiality Program.** Access to vital records may be further
 23 restricted within the parties listed in subsection 5 according to procedures of the Address
 24 Confidentiality Program under Title 5, section 90-B.

25 **7. Public records.** After ~~100~~ 75 years from the date of birth for birth certificates,
 26 after ~~100~~ 50 years from the date of death for fetal death certificates ~~and, after 25 years~~
 27 from the date of death for death certificates, after ~~100~~ 50 years from the date of marriage
 28 for marriage certificates and after ~~100~~ 50 years from the registration of domestic
 29 partnerships, any person may obtain ~~informational~~ noncertified copies of these vital
 30 records in accordance with the department's rules. Certificates and records of birth,
 31 marriage and death, including fetal death, created prior to 1892 are open to the public
 32 without restriction. All persons may purchase a copy on municipal letterhead or a
 33 noncertified copy of a vital record created prior to 1892.

34 **8. Genealogical research.** Custodians of certificates and records of birth, marriage
 35 and death ~~may~~ shall permit inspection of records by and issue noncertified copies to
 36 researchers engaged in genealogical research who hold researcher identification cards, as
 37 specified by rule adopted by the department. The department shall adopt rules to
 38 implement this subsection. Rules adopted by the department pursuant to this subsection
 39 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.'

40 **SUMMARY**

41 This amendment replaces the bill. It clarifies that informational copies of vital
 42 records are noncertified copies. It shortens the time period for access to vital records. It
 43 opens to inspection and allows for purchase of noncertified copies of vital records created
 44 prior to 1892. It requires custodians of vital records to permit inspection of the records

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1 by a person who has a direct and legitimate interest and by a researcher engaged in
2 genealogical research who holds a researcher identification card.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**



125th MAINE LEGISLATURE

LD 258

LR 692(02)

An Act Relating to Access to Vital Records

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services are expected to be minor and can be absorbed utilizing existing budgeted resources.