

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1627

S.P. 537

In Senate, December 20, 2011

An Act Regarding the Filing of Birth, Death and Marriage Data

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 16, 2011. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec.

Cosponsored by Representative STRANG BURGESS of Cumberland.

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

2 **Sec. 1. 19-A MRSA §651, sub-§2**, as amended by PL 1997, c. 537, §12 and
3 affected by §62, is further amended to read:

4 **2. Application.** The parties wishing to record notice of their intentions of marriage
5 shall submit an application for recording notice of their intentions of marriage. The
6 application must include a signed certification that the information recorded on the
7 application is correct and that the applicant is free to marry according to the laws of this
8 State. The applicant's signature must be acknowledged before an official authorized to
9 take oaths. Applications recording notice of intentions to marry ~~must be open for public~~
10 ~~inspection in the office of the clerk~~ are confidential and are not open for public inspection
11 for 50 years from the date of the application, except that the names of the persons for
12 whom intentions to marry are filed and the intended date of marriage are public records
13 and open for public inspection. ~~When the application is submitted, the applicant shall~~
14 ~~provide the clerk with the social security numbers of the parties.~~ The application must
15 include a statement that the social security numbers of the parties have been provided to
16 the clerk. The clerk shall record the social security numbers provided by each applicant.
17 The record of the social security numbers is confidential and is not open for public
18 inspection.

19 **Sec. 2. 22 MRSA §2702, sub-§3**, as amended by PL 2009, c. 601, §6, is further
20 amended to read:

21 **3. Transmittal of certificates to other municipalities.** Except as authorized by the
22 state registrar or except if the birth is registered or will be registered on the electronic
23 birth registration system implemented by the state registrar, when the parents of any child
24 born are residents of any other municipality in this State, the clerk of the municipality
25 where that live birth occurred shall transmit a copy of the certificate of the live birth to
26 the clerk of the municipality where the parents reside.

27 **Sec. 3. 22 MRSA §2703**, as amended by PL 2009, c. 601, §8, is further amended
28 to read:

29 **§2703. Birth in unincorporated place**

30 When a birth occurs in an unincorporated place, it must be reported to ~~the a~~
31 ~~municipal clerk in the municipality that is nearest to the place at which the birth took~~
32 ~~place~~ as specified by the state registrar and must be recorded, or registered in the
33 electronic birth registration system, by the municipal clerk to whom the report is made.
34 All such reports and records must be ~~made and recorded and returned~~ forwarded to the
35 state registrar.

36 **Sec. 4. 22 MRSA §2704**, as amended by PL 2009, c. 601, §9, is further amended
37 to read:

1 **§2704. Registration of births and deaths at Togus**

2 Certificates of live births, deaths and fetal deaths occurring at the ~~United States~~
3 ~~Department of Veterans Affairs at federal facility known as~~ Togus must be filed directly
4 with the state registrar. The state registrar shall forward copies of all such certificates of
5 live birth, death and fetal death to the clerk of the municipality where the parents of the
6 child reside.

7 **Sec. 5. 22 MRSA §2763, first ¶** is amended to read:

8 Whoever assumes the custody of a child of unknown parentage shall immediately
9 report to the ~~local town or city clerk~~ Office of Data, Research and Vital Statistics in
10 writing:

11 **Sec. 6. 22 MRSA §2764, sub-§§1 and 2** are amended to read:

12 **1. Certificate of live birth.** A certificate of live birth on the prescribed form ~~shall~~
13 ~~must~~ be filed with the ~~clerk of the municipality where birth occurred~~ Office of Data,
14 Research and Vital Statistics if the date of filing is more than 7 days but not more than ~~7~~
15 years one year after the date of birth. The state registrar may prescribe the evidence of the
16 facts of birth to be presented in the event none of the persons specified in section 2761
17 are available to sign the certificate.

18 **2. Delayed registration of birth.** When the birth occurred more than ~~7 years one~~
19 year prior to the date of filing, it ~~shall~~ must be registered on a form entitled "Delayed
20 Registration of Birth." The form ~~shall~~ must provide for the following information and
21 such other data as may be required by the department:

22 A. A statement by the applicant including the name and sex of the person whose
23 birth is to be registered, the place and date of birth, the name and birthplace of the
24 father; and the maiden name and birthplace of the mother;

25 B. The signature of the registrant, or a parent or guardian if the registrant is under 15
26 years of age or is mentally incompetent;

27 C. The signature of the registrant ~~shall~~ must be acknowledged before an official
28 authorized to take oaths;

29 D. A description of each document submitted in support of the delayed birth
30 registration; and

31 E. The date of filing.

32 **Sec. 7. 22 MRSA §2764, sub-§3, ¶A** is amended to read:

33 A. If the birth occurred more than ~~7 one year~~ but less than 15 years prior to the date
34 of filing, the facts of birth stated by the applicant ~~shall~~ must be supported by at least 2
35 documents, only one of which may be an affidavit of personal knowledge; or

36 **Sec. 8. 22 MRSA §2764, sub-§5** is amended to read:

