

# 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 electronic originals  
(may include minor formatting differences from printed original)



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

---

Legislative Document

No. 1237

S.P. 442

In Senate, April 7, 2015

### An Act Regarding the Filing of Death and Marriage Records

---

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Representative SANDERSON of Chelsea and  
Representative: GATTINE of Westbrook.

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

2 **Sec. 1. 19-A MRSA §660** is enacted to read:

3 **§660. Delayed certificate of marriage**

4 **1. Application.** The parties, or the legal representatives of the parties, to a marriage  
5 that occurred more than one year previously may apply for a delayed certificate of  
6 marriage by submitting to the State Registrar of Vital Statistics the following:

7 A. The license and certification statement completed in accordance with section 656;

8 B. The required filing fee; and

9 C. An application for a delayed certificate of marriage, which must include, if  
10 available, a copy of the marriage intentions obtained from the clerk of the  
11 municipality where the intentions were filed and other documents specified in rules  
12 adopted by the State Registrar of Vital Statistics.

13 **2. Indication of date of filing.** The delayed certificate of marriage must be marked  
14 "delayed" and must indicate the date that the delayed certificate of marriage was filed.

15 **3. Rules.** The State Registrar of Vital Statistics shall adopt rules to carry out the  
16 purposes of this section. Rules adopted pursuant to this subsection are routine technical  
17 rules pursuant to Title 5, chapter 375, subchapter 2-A.

18 **Sec. 2. 22 MRSA §2848** is enacted to read:

19 **§2848. Registering a presumed death**

20 When a death is presumed to have occurred in the State but the body has not been  
21 located, the State Registrar of Vital Statistics shall register a death in accordance with this  
22 section upon receipt of a certified copy of an order of a court issued in accordance with  
23 Title 18-A, section 1-107, subsection (3).

24 **1. Required information.** In order to register a death on the basis of a court order,  
25 the court order must include:

26 A. The decedent's full legal name;

27 B. The date of death, as determined from the evidence presented;

28 C. The municipality, county and place of death, as determined from the evidence  
29 presented;

30 D. The decedent's address, including street address, municipality, county, state and  
31 zip code at the time of death;

32 E. The decedent's marital status at the time of death;

33 F. The given name of the decedent's surviving spouse, if any; and

34 G. If known, information necessary to complete the medical certification including  
35 the cause and manner of death. If the death occurred from an injury, the court order

1 must include information on how and when the injury occurred. If such information  
2 is not known, the order must indicate the lack of available information.

3 **2. Death certificate; identification of court order.** A death certificate issued  
4 pursuant to this section must identify the court that issued the order on which the death  
5 certificate is based and include the date of the court order.

6 **3. Record marked "presumptive."** The record of a death registered pursuant to  
7 this section must be marked "presumptive."

8 **SUMMARY**

9 This bill makes the following changes to the laws governing the filing of death and  
10 marriage records:

11 1. It authorizes the parties to a marriage, or the legal representatives of the parties to  
12 a marriage, that occurred more than one year previously to apply for a delayed certificate  
13 of marriage;

14 2. It establishes a procedure for registering an official record of death when a death is  
15 presumed to have occurred in the State but the body has not been located.