

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE.

No. 227.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-FIVE.

AN ACT amendatory of and additional to chapter one hundred and eighteen of the Public Laws of eighteen hundred and ninety-one, entitled "An Act to provide for the Registration of Vital Statistics."

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. Chapter one hundred and eighteen of the 2 Public Laws of eighteen hundred ninety-one is hereby 3 amended as follows: Section four is amended by inserting 4 after the word "city" in the twelfth line the words 'where 5 said person died,' so that said section when amended as 6 follows:

'Section 4. Whenever any person shall die, or any still- 8 born child be brought forth in this state, the undertaker,

9 town clerk or other person superintending the burial of
10 said deceased person, shall obtain from the physician
11 attending such bringing forth or last sickness, a certificate,
12 duly signed, setting forth as far as may be, the facts
13 required in the record of a death, according to section one
14 of this act; and it shall be the duty of the undertaker, or
15 other person having charge of the burial of said deceased
16 person, to add to said certificate the date and place of the
17 proposed burial; and having duly signed the same, to
18 forward it to the clerk of the town or city where said
19 person died and obtain a permit for burial; and in case of
20 any contagious or infectious disease, said certificate shall
21 be made and forwarded immediately.'

SECT. 2. Section five is amended by inserting after the
2 word "death" in the sixth line, the words 'or from any
3 other source,' so that said section when amended shall
4 read as follows:

'Section 5. In case of any deceased person not having
6 had the attendance of a physician in his or her last sick-
7 ness, the town clerk may issue and sign the certificate of
8 death, upon presentation of such facts as may be obtained
9 of relatives, persons in attendance upon said deceased per-
10 son during said last sickness or present at the time of
11 death, or from any other source, and the permit for burial
12 shall be issued upon such information. Said certificate
13 and permit shall not be required before burial in cases
14 where it is impracticable to obtain the same within a
15 reasonable time after death, but in all such cases said cer-
16 tificate shall be obtained as soon as practicable after
17 death.'

SECT. 3. Section 7 is amended by inserting after the
2 word "city" in the fifth line the words 'where said per-

3 son died;' and also by inserting after the word "town" in
4 the twelfth line the words 'from whom said permit was
5 obtained,' so that said section when amended shall read as
6 follows :

'Section 7. Except as provided in Section 5, no inter-
8 ment or disinterment of the dead body of any human
9 being, or disposition thereof in any tomb, vault or ceme-
10 tery, shall be made without a permit as aforesaid, from
11 the clerk of the town or city where said person died, nor
12 otherwise than in accordance with such permit. No
13 undertaker or other person shall assist in, assent to, or
14 allow any such interment or disinterment to be made,
15 except as provided in section five, until such permit has
16 been given as aforesaid; and it shall be the duty of every
17 undertaker or other person having charge of any burial
18 place as aforesaid, who shall receive such permit, to pre-
19 serve and return the same to the clerk of the town from
20 whom said permit was obtained within six days after the
21 day of burial.'

SECT. 4. Section 13 of said chapter is amended so that
2 said section, as amended, shall read as follows :

'Section 13. The state registrar shall cause the returns
4 made to him in pursuance of the preceding sections eleven
5 and twelve to be arranged alphabetically for convenient
6 reference, and carefully preserved in his office. He shall
7 annually make and publish a general abstract and report
8 of the returns of the preceding year in such form as will
9 render them of practical utility, not more than two thou-
10 sand five hundred copies of which shall be printed and
11 bound in cloth, one copy of which shall be forwarded to
12 every town, one copy to each senator and representative,

13 one copy to each state and territory in the Union, and the
14 remainder to such departments, libraries and persons as
15 the state registrar shall direct.'

SECT. 5. Section 16 of said chapter is amended so that
2 said section as amended shall read as follows :

'Section 16. If any person shall wilfully neglect or
4 refuse to perform any duty imposed upon him by the pro-
5 visions of this act, it shall be a misdemeanor, and he shall
6 be fined not more than one hundred dollars for each
7 offense, for the use of the town in which the offense oc-
8 curred, and it shall be the duty of the state registrar to
9 enforce this section as far as comes within his power, and
10 when the state registrar knows, or has good reason to
11 believe that any penalty or forfeiture under this act has
12 been incurred, he shall at his discretion forthwith give
13 notice thereof, in writing, to the county attorney of the
14 county in which said penalty or forfeiture has occurred,
15 which notice shall state as near as may be, the time of
16 such neglect, the name of the person or persons incurring
17 the penalty or forfeiture, and such other facts relating to
18 the default of duty as said state registrar may have been
19 able to learn, and upon receipt of such notice the county
20 attorney shall prosecute the defaulting person or persons.'

SECT. 6. Section 17 of said chapter is amended so that
2 said section as amended shall read as follows :

'Section 17. The clerk of each city or town shall be
4 paid by such city or town for receiving, recording and
5 returning the facts required to be recorded by this act,
6 the sum of fifteen cents for each birth, marriage and
7 death, and for each birth or death duly reported to the
8 town clerk, physicians shall receive twenty-five cents from

9 the town in which the birth or death has occurred. It
10 shall be the duty of the town clerk to enforce, so far as
11 comes within his power, sections three, four, six, seven,
12 and ten, of chapter 118, Laws of 1891, and when he
13 knows of any birth, marriage or death, which is not re-
14 ported to his office in accordance with the provisions of
15 said chapter, he shall collect, so far as he is able to do so,
16 the facts called for in the blank certificates of birth, of
17 marriage, or of death, as furnished by the state registrar,
18 and shall record them as is prescribed in said chapter 118 ;
19 and for every birth, marriage or death thus collected and
20 recorded he shall receive from the town the sum of
21 twenty-five cents.'

SECT. 7. Said chapter is further amended by adding
2 thereto the following sections :

'Section 19. A physician who has attended a person
4 during his last illness shall, when requested, forthwith
5 furnish for registration a certificate stating, to the best of
6 his knowledge and belief, the name of the deceased, his
7 age, the disease of which he died, and the date of his
8 death ; and a physician or midwife who has attended at
9 the birth of a child dying immediately thereafter, or at
10 the birth of a stillborn child, shall, when requested, forth-
11 with furnish for registration a certificate, stating to the
12 best of his knowledge and belief the fact that such child
13 died after birth or was born dead. It shall be a misde-
14 meanor for any person to make a false return in regard to
15 any birth or death.

'Section 20. When a birth, marriage or death occurs
17 in an unincorporated place, it shall be reported to the
18 town clerk in the town which is nearest to the place at

19 which the birth, marriage or death took place, and shall
20 be recorded by the town clerk to whom the report is
21 made ; and all such reports and records shall be made and
22 recorded and returned to the state registrar as is provided
23 in chapter 118, Laws of 1891.'

'Section 21. The clerk of each town shall, on the first
25 Monday of each month, make a certified copy of the
26 record of all deaths and births recorded in the books of
27 said town during the previous month, whenever the
28 deceased person, or the parents of the child born were
29 resident in any other town in this state at the time of said
30 death or birth, or whenever they were recently resident
31 in any other town, or whenever the remains of any de-
32 ceased person have been carried to any other town for
33 burial ; and shall transmit said certified copies to the clerk
34 of the town in which said deceased person or parents
35 were resident at or near the time of said birth or death,
36 or to which the remains of such deceased person have
37 been carried for burial, stating in addition the name of
38 the street and the number of the house, if any, where
39 such deceased person or parents so resided whenever the
40 same can be ascertained ; and the clerk so receiving such
41 certified copies shall record the same in the books kept
42 for recording deaths or births.'

Such certified copies shall be made upon blanks to be
44 furnished for that purpose by the registrar of vital statistics.

'Section 22. No body of a deceased person shall be
46 removed from or into the limits of any town in this state
47 unless there shall be attached to the coffin or case contain-
48 ing such body a written or printed permit signed by the
49 clerk of the town in which such deceased person died,
50 certifying the cause of death or disease of which such per-

51 son died and the town in which such person is to be
52 buried; and further certifying, in case said disease or
53 cause of death appears by said permit to have been chol-
54 era, yellow fever, diphtheria, typhus fever, typhoid fever,
55 scarlet fever, small-pox or other pestilential disease, that
56 said body is enclosed in an air-tight coffin or case, hermet-
57 ically sealed; but the clerk shall not give a permit for the
58 removal into any other town of the body of any person
59 who has died of any of the diseases enumerated in this
60 section until he shall have received a certificate from the
61 local board of health stating that precautions against
62 infection satisfactory to said board have been observed;
63 such permit shall enable said deceased person to be buried
64 in any town in this state other than the one in which said
65 person died, without a burial permit from the clerk of the
66 town where such person is to be buried. It is further
67 provided, that a certificate of death giving heart failure as
68 the only cause of death shall not be deemed sufficient
69 upon which to issue a burial permit, and such certificate
70 must be returned to the physician who made it for the
71 proper correction and definition. If the body of a deceased
72 person is brought into this state from without for burial,
73 and if it is accompanied by a permit issued by the legally
74 constituted authorities of the state from which it was
75 brought, such permit shall be received as sufficient author-
76 ity upon which the clerk of the town in which said body
77 is to be buried shall issue a permit for burial; but if it is
78 not accompanied by such permit, then the person or per-
79 sons in charge of it shall apply for a burial permit to the
80 clerk of the town in which it is to be buried, and the clerk
81 of the town shall issue such permit when furnished with
82 satisfactory information.'

‘Section 23. The provisions of this act shall be enforced,
84 and violation hereof shall be punished, as provided by
85 section sixteen of chapter 118 of the Public Laws of 1891,
86 unless otherwise provided for by law.’

‘Section 24. All acts and parts of acts inconsistent with
88 this act are hereby repealed.’

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 27, 1895. }

Reported by Mr. LANE of Augusta, from Committee on Legal
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*