

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 421

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE.

AN ACT amending and additional to Chapter Sixty-one of the Revised Statutes, relating to Marriage and the Registration of Vital Statistics.

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

Section 1. Section four of chapter sixty-one of the Revised Statutes is hereby amended by adding thereto the words, 'Persons who are non-residents of the State intending to be married in this State, shall have their intentions of marriage recorded in the office of the clerk of the town in which they propose to have the marriage solemnized, and the clerk may, upon request, issue his certificate on the same day in which he records the intentions of marriage of non-residents, but no person shall marry any couple before he has received the certificate issued by the town or city clerk,' so that said section, as amended, shall read as follows:

'Section 4. Residents of the State intending to be joined
13 in marriage shall cause notice of their intentions to be
14 recorded in the office of the clerk of the town in which each
15 resides, at least five days before a certificate of such inten-
16 tions is granted; and if one only of the parties resides in
17 the State, they shall cause notice of their intentions to be
18 recorded in the office of the clerk of the town in which such
19 party resides, at least five days before such certificate is
20 granted; and the book in which such record is made, shall
21 be labeled on the outside of its cover, 'Record of intentions
22 of marriage,' and be kept open to public inspection in the
23 office of the clerk; and if there is no such clerk in the place
24 of their residence, the like entry shall be made with the
25 clerk of an adjoining town. Persons who are non-residents
26 of the State, intending to be married in this State, shall have
27 their intentions of marriage recorded in the office of the
28 clerk of the town in which they propose to have the mar-
29 riage solemnized, and the clerk may, upon request, issue
30 his certificate on the same day in which he records the in-
31 tentions of marriage of non-residents, but no person shall
32 marry any couple before he has received the certificate is-
33 sued by the town or city clerk.'

Sect. 2. Section seven of chapter sixty-one of the Re-
2 vised Statutes is hereby amended so that the same, when
3 amended, shall read as follows:

'Section 7. When residents of this State go into another
5 state for the purpose of marriage, and it is there solemnized,

6 and they return to dwell here, they shall, on the blank pre-
7 pared by the State registrar for that purpose, fill out and file
8 a certificate of their marriage with the clerk of the town in
9 which each of them lived, within seven days after their re-
10 turn. The clerk shall then record such marriage. Any
11 person who fails to make the report of his marriage to the
12 town clerk as is herein provided shall forfeit twenty dollars,
13 half to the prosecutor, and half to the town where the for-
14 feiture is incurred.'

Sect. 3. Section 25 of chapter sixty-one of the Revised
2 Statutes is hereby amended so that said section, as amended,
3 shall read as follows:

'Section 25. Within six days following such events, par-
5 ents shall report to the clerk of their city or town the births
6 or deaths of their children; householders shall report every
7 birth or death happening in their houses; the eldest person,
8 next of kin, shall report the death of his kindred; the keeper
9 of a workhouse, house of correction, prison, hospital, alms-
10 house, or other institution, and the master or other com-
11 manding office of a ship, shall report every birth or death
12 happening among the persons under his charge; and parents
13 and other persons enumerated in this section shall not be
14 absolved from the duty of reporting births until the names of
15 the children have been given to the clerk of the city or town
16 in which the births occur.'

Sect. 4. Section 28 of chapter sixty-one of the Revised
2 Statutes is hereby amended by striking out the words

3 “from whom said permit was obtained” in the eleventh line
4 and inserting in place thereof the words ‘in which the death
5 occurred,’ so that said section, as amended, shall read as
6 follows :

‘Section 28. Except as provided in section twenty-three,
8 no interment or disinterment of the dead body of any human
9 being, or disposition thereof in any tomb, vault or cemetery,
10 shall be made without a permit as aforesaid, from the clerk
11 of the town or city where said person died, or in case of dis-
12 interment, is buried, nor otherwise than in accordance with
13 such permit. No undertaker or other person shall assist in,
14 assent to, or allow any such interment or disinterment to be
15 made, except as provided in section twenty-three, until such
16 permit has been given as aforesaid ; and every undertaker or
17 other person having charge of any burial place as aforesaid,
18 who shall receive such permit, shall preserve and return the
19 same to the clerk of the town in which the death occurred
20 within six days after the day of burial.’

Sect. 5. Section 29 of chapter sixty-one of the Revised
2 Statutes is hereby amended by striking out the word “shall”
3 in the first line and inserting in the place thereof the word
4 “may,” and by striking out the words “record of death” af-
5 ter the word “said” in the fifth line and inserting in place
6 thereof the words ‘death certificate,’ and by adding to said
7 section the words, ‘and the sub-registrars in any town shall
8 hold office at the pleasure of the town clerk,’ so that said
9 section, as amended, shall read as follows :

'Section 29. The town or city clerk may appoint two suitable and proper persons, in each town or city, as sub-registrars, who shall be authorized to issue burial permits based upon a death certificate, as hereinbefore provided, in the same manner as is required of the town or city clerk; and the said death certificate upon which the permit is issued shall be forwarded to the town clerk within six days after receiving the same, and all permits by whomsoever issued shall be returned to the town clerk as required by section twenty-eight. The appointment of sub-registrars shall be made with reference to locality, so as to best suit the convenience of the inhabitants of the town, and such appointment shall be in writing and recorded in the office of the town or city clerk, and the sub-registrars in any town shall hold office at the pleasure of the town clerk.'

Sect. 6. Section thirty-five of chapter sixty-one of the Revised Statutes is hereby amended by striking out the words "twenty-five hundred" in the first line and inserting in lieu thereof the words 'three thousand,' so that said section, as amended, shall read as follows:

'Section 35. The sum of three thousand dollars a year, is hereby appropriated for printing and binding the circulars and blanks, for postage and expressage, and to defray the expenses of clerical work and the necessary traveling expenses of the State registrar in carrying out the provisions of this chapter relating to the registration of vital statistics.'

Sect. 7. Section thirty-eight of chapter sixty-one of the
2 Revised Statutes is hereby amended by inserting after the
4 word "ten" in the second line thereof the word 'nineteen,'
5 and by inserting after the word "twenty" in the same line
6 thereof, the word 'twenty-one,' so that said section, as
7 amended, shall read as follows:

'Section 38. The clerk of each city or town shall enforce,
9 so far as comes within his power, sections ten, nineteen,
10 twenty, twenty-one, twenty-two twenty-five, twenty-eight
11 and thirty-one of this chapter, and when he knows of any
12 birth, marriage or death, which is not reported to his office in
13 accordance with the provisions of this chapter, he shall collect
14 so far as he is able to do so, the facts called for in the blank
15 certificates of birth, of marriage, or of death, as furnished by
16 the State registrar, and shall record them as is herein pre-
17 scribed; for each birth or death duly reported to the town
18 clerk, physicians shall receive twenty-five cents from the
19 town in which the birth or death has occurred.'

Sect. 8. When the State registrar of vital statistics be-
2 lieves that, in any place in this State, the records of births,
3 marriages, or deaths are not made as is provided by law, or
4 that any person neglects or fails to perform any duty pro-
5 vided in the law relating to the registration of vital statis-
6 tics, the said registrar may visit such places and make such
7 investigations as he may deem necessary, and all records,
8 blanks and papers of town clerks relating to births, mar-

9 riages or deaths shall be open to his examination, and any
10 person who refuses such examination or hinders such in-
11 vestigation shall be guilty of a misdemeanor and shall be
12 fined not less than five nor more than twenty dollars. All
13 actual traveling and other necessary expenses thus incurred
14 by the State registrar, or incurred in attending the prosecu-
15 tion of cases brought by county attorneys, under the pro-
16 vision of section thirty-seven of this chapter, shall be paid
17 by the State from the appropriation provided in section
18 thirty-five, but not more than two hundred dollars shall thus
19 be paid to the State registrar for such expenses in one year.'

Sect. 9. When a town or city clerk receives a certificate
2 of the death of any person who has died of tuberculosis in
3 his town, he shall forthwith send a copy of said certificate to
4 the health officer of his town or city, or where there is no
5 health officer, to the secretary of the local board of health.

Sect. 10. The registrar of vital statistics shall require all
2 copies which are transmitted under the provisions of sec-
3 tion thirty-two of chapter sixty-one to be typewritten or
4 written with black durable ink in a fair and legible hand, and
5 a city or town clerk who neglects or refuses to make or
6 cause to be made typewritten or fair and legible copies as re-
7 quired shall forfeit not less than twenty nor more than one
8 hundred dollars, to the use of the State.

STATEMENT OF FACTS.

The increase in the annual appropriation for the use of the Department of Vital Statistics is rendered necessary by the fact that it is absolutely impossible to pay, with the present appropriation, the bills for printing and the other necessary expenses. Aside from the needs of its own office, the Department furnishes for the use of all the city and town clerks cards, blanks, circulars, and other papers required in carrying out the provisions of the law relating to the registration of births, marriages and deaths in the whole State. A deficit for 1908 remains unpaid, and other printing which should have been done before the end of the year could not be done.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 3, 1909.

Reported by Mr. DAVIES from Committee on Judiciary and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*