

# MAINE STATE LEGISLATURE

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# N I N E T I E T H                      L E G I S L A T U R E

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**Legislative Document**

**No. 867**

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(Transmitted from the Revisor of Statutes under Joint Order)

H. P. 1528                      House of Representatives, February 14, 1941.

Referred to Committee on Legal Affairs. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Shesong of Portland.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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### **AN ACT Relating to Registration of Vital Statistics.**

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

**Sec. 1. P. L., 1933, c. 1, § 60, amended.** Paragraph I of section 60 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

‘I. The record of birth shall state its date and place of occurrence, full christian and surname, if named, color and sex of child, whether living or stillborn, and the full christian and surnames, color, occupation, residence and birthplace of parents **and the date of filing of the record.**’

**Sec. 2. P. L., 1933, c. 1, § 72, amended.** Section 72 of chapter 1 of the public laws of 1933 is hereby amended by adding at the end thereof the following:

**‘No undertaker shall be a subregistrar.’**

**Sec. 3. P. L., 1933, c. 1, § 75, amended.** Section 75 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

**‘Sec. 75. Town clerks required to make returns to state registrar, monthly.** The clerk of every town shall keep a chronological record of all

births, marriages, **stillbirths**, and deaths reported to him, or known to him, and shall, between the 10th and the 15th of every month, transmit to the state registrar a copy ~~of the record~~ of all births, marriages, **stillbirths** and deaths which have occurred within the month next preceding, together with the names, residences, and official stations of all persons who have neglected to make returns to him in relation to the subject matters of such records, which the law required them to make, all to be made upon blanks to be prepared and furnished by the state registrar; and if no births, **stillbirths**, marriages, or deaths have occurred in the aforementioned period of time or month, for which returns are to be made, the town clerk shall send the state registrar a statement to that effect. Whenever a birth, **stillbirth**, marriage or death, required by law to be returned to such clerk, is reported to him, or he learns of it, too late for inclusion in his returns as provided hereunder to the state registrar, he shall, after it is reported to him, or after he has knowledge of it, make due returns thereof to the state registrar forthwith. The registrar of vital statistics shall require all copies which are transmitted under the provisions of this section to be typewritten or written with black durable ink in a fair or legible hand.

Any city or town clerk, who neglects or refuses to make or cause to be made the returns as required by this section shall forfeit not less than \$20, nor more than \$100, to the use of the state.

After May 1st of the year following the calendar year in which the event took place, any vital record shall be designated as "delayed" and any copy of the record thereafter issued shall be endorsed "delayed."

Except as provided elsewhere in this section for filing birth records after the 4th birthday, a town clerk may accept a certificate of birth, marriage or death from any person whose duty it was by law to file such certificate.

In distinguishing live birth from stillbirth, "live birth" means a birth, in which the child shows evidence of life after complete birth. A birth is complete when the child is entirely outside the mother, even if the cord is uncut and the placenta still attached. The words "evidence of life" include heart action, breathing, or coordinated movement of voluntary muscle.

"Stillbirth," means a birth after at least 28 weeks of gestation, in which the child shows no evidence of life after complete birth.

The acceptance for filing and issuing of a certificate of birth after 4 years after the time prescribed for its filing shall be subject to the regulations in which the state registrar shall prescribe in detail the proofs to be submitted by an applicant, or to the order of a probate court or of any other court of competent jurisdiction.

When proper evidence concerning a birth is not available to a town clerk,

or the place of birth is uncertain, or in the case of an abandoned child, or in any other circumstance in which a town clerk has been unable, or lacks authority to record a birth, then a probate court on petition shall have authority to receive evidence and hear testimony relative to the birth and may enter a decree upon which the facts of the birth, as far as can be learned, will be recorded in lieu of a regularly filed certificate of birth. Any copy of such a record shall show by endorsement the source and date of the record.'