

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 851

H. P. 1216

House of Representatives, February 14, 1945.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Ward of Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to Vital Statistics.

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

Sec. 1. R. S., c. 22, § 366, sub-§1, amended. Subsection 1 of section 366 of chapter 22 of the revised statutes is hereby amended by adding at the end thereof the following:

‘In the case of a birth of an illegitimate child, the name of the putative father shall not be entered on the certificate of birth except by his consent. In the case of a birth to an unmarried mother, the child’s surname shall be recorded as that of the mother. No official in this state shall issue a record of birth disclosing illegitimacy; provided, however, that a record may be issued disclosing such information in response to court process or in response to the request of the illegitimate, his or her legal guardian or legal counsel.’

Sec. 2. R. S., c. 22, § 366, sub-§§ IV and V, additional. Section 366 of chapter 22 of the revised statutes is hereby amended by adding thereto 2 new subsections to be numbered IV and V, to read as follows:

IV. All certificates and all records pertaining to birth, marriage and death in the custody of the state registrar of vital statistics and the clerks of the several municipalities of the state are open to inspection subject to the provisions of this chapter, and it shall be unlawful for the state

registrar or any employee of the state or any clerk or employee of a municipality to disclose data contained in such vital records except as authorized by this chapter.'

'V. The state registrar may permit the use of data contained in records pertaining to birth, marriage and death for research purposes, but no record shall be given or shown identifying the persons to whom the records relate, except in records of death.'

Sec. 3. R. S., c. 22, § 388, amended. Section 388 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 388. Clerk's record or certified copy, prima facie evidence. The state registrar and the clerk of a municipality shall not permit inspection of the records of birth, marriage and death, marriage intentions excepted, or issue a certified copy of a certificate relating thereto, or to parts thereof, unless he is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded, the decision of the state registrar or the clerk of a municipality being subject, however, to review by the superior court or any justice thereof in vacation, under the limitations of this chapter. The city and town clerks shall, upon request, supply to any such qualified applicant a certified copy of the record of any birth, marriage, or death registered under the provisions of this chapter, upon the payment of a fee of 50c, to be paid by the applicant in advance. For any search of the files and records, where no certified copy is made, the fee shall be 50c for each hour or fractional part of the hour for time of search, said fee to be paid by the applicant in advance. The city or town clerk's record of any birth, marriage, or death, or a duly certified copy thereof, shall be prima facie evidence of such birth, marriage, or death, in any judicial proceeding.'