

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# STATE LAW LIBRARY

Transmitted by Director of Legislative Research pursuant to joint order.

---

N I N E T Y - E I G H T H      L E G I S L A T U R E

---

**Legislative Document**

**No. 1107**

H. P. 774

House of Representatives, March 5, 1957.

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

HARVEY R. PEASE, Clerk.

Presented by Mrs. Hendricks of Portland.

---

## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

---

### AN ACT to Revise the Laws Relating to Vital Statistics.

---

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

**Sec. 1. R. S., c. 25, § 378, repealed and replaced.** Section 378 of chapter 25 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

#### Office of Vital Statistics

**Sec. 378. Duties of Department.** The Department shall establish an Office of Vital Statistics which shall maintain a state-wide system for the registration of vital statistics.

I. The Commissioner shall appoint a State Registrar of Vital Statistics, who shall be qualified in accordance with the standards of education and experience prescribed by the State Department of Personnel.

II. The State Registrar shall have charge of the Office of Vital Statistics and be custodian of its files and records. He shall preserve all certificates, records and other reports returned to him under the provisions of this chapter. He shall have general supervision of the provisions of this chapter and the regulations of the Department relating to the registration of vital statistics, and shall direct the activities of municipal clerks in the registration of vital statistics.

III. The State Registrar shall prescribe and furnish forms and issue instructions necessary to the administration of the vital statistics system. He shall

prepare and publish annual reports of vital statistics and such other reports as are requested by the Department.

IV. The forms of certificates, records and other reports required by the laws governing the registration of vital statistics shall be designed with due consideration for national uniformity in vital statistics and record service.'

Sec. 2. R. S., c. 25, § 378-A, additional. Chapter 25 of the Revised Statutes is hereby amended by adding thereto a new section, to be numbered 378-A, to read as follows:

'Sec. 378-A. Duties of municipal clerks. The clerk of each municipality in this State shall keep a chronological record of all live births, marriages, deaths and fetal deaths reported to him under the provisions of this chapter. Such record shall be kept as prescribed by the State Registrar.

I. Each municipal clerk in this State shall enforce, so far as comes within his jurisdiction, the provisions of this chapter and the regulations of the Department relating to the registration of vital statistics.

II. Between the 10th and 15th of each month, the clerk of each municipality in this State shall transmit to the State Registrar each original certificate of live birth, death and fetal death, and a certified copy of each original certificate of marriage returned to him under the provisions of this chapter during the calendar month next previous. If a municipal clerk has received no original certificates during said month for which certificates or records are to be transmitted, he shall notify the State Registrar that he has no certificates or records to transmit.

III. When the parents of any child born are residents of any other municipality in this State, or when any deceased person was a resident, or was buried in any other municipality in this State, the clerk of the municipality where such live birth or death occurred shall, between the 10th and the 15th of the month next following, transmit a certified copy of the certificate of such live birth or death to the clerk of the municipality where such parents reside, or where the deceased was a resident, or was buried.'

Sec. 3. R. S., c. 25, § 386, repealed and replaced. Section 386 of chapter 25 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

'Sec. 386. Permits for final disposition of dead human bodies. Except as authorized by the Department, no dead human body shall be buried, cremated or otherwise disposed of, or removed from the State, until the person in charge of such final disposition or removal has obtained a permit from the clerk of the municipality where death occurred.

I. Each dead human body transported into this State for final disposition shall be accompanied by a permit issued by the duly constituted authority at the place of death. Such permit shall be sufficient authority for final disposition in any place where dead human bodies are disposed of in this State.

II. Except as ordered by a court of competent jurisdiction, no dead human body shall be disinterred or removed from any vault or tomb until the person

in charge of such disinterment or removal has obtained a permit from the clerk of the municipality where such dead human body is buried or entombed.

III. The person in charge of each burying ground or crematory in this State shall endorse each such permit with which he is presented, and return it to the clerk of the municipality in which such burying ground or crematory is located within 7 days after the date of burial.'

Sec. 4. R. S., c. 25, § 387, amended. The first paragraph of section 387 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

'Any person, firm or corporation within the State, with the approval of the Department, may establish and maintain suitable buildings and appliances for the cremation of bodies of the dead and, subject to such the regulations as said of the Department may from time to time make, may cremate such bodies and dispose of the ashes of the same but if the ashes are interred in a cemetery a permit for burial shall be required.'

Sec. 5. R. S., c. 25, § 390, repealed and replaced. Section 390 of chapter 25 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

'Sec. 390. Registration of live births. A certificate of each live birth which occurs in this State shall be filed with the clerk of the municipality in which such live birth occurred within 7 days after the date of birth.

I. When the live birth occurs in a hospital or related institution, the person in charge of such institution shall be responsible for entering information on the certificate, for securing signatures required on the certificate, and for filing the certificate with the clerk of the municipality.

II. On each such certificate, the physician in attendance shall verify or provide the date of birth and medical information required within 5 days after birth.

III. Except as provided in this section, the certificate shall be prepared and filed by:

A. The physician or other person in attendance on the birth, or in the absence of such a person,

B. The father; or in the absence of both of these,

C. The mother; or in the absence of the aforesaid, and in the inability of the mother,

D. The person in charge of the premises where the live birth occurred.

IV. In the case of the birth of an illegitimate child, the name of the putative father shall not be entered on the certificate without his written consent. In the case of a birth to an unmarried mother, the child's surname shall be entered on the certificate as that of the mother.

V. In every case, the father or mother of the child shall sign the certificate and shall attest to the accuracy of the personal data entered thereon in time

to permit its filing within the 7 days prescribed. If father and mother are unable to sign, then no signature need be required.'

Sec. 6. R. S., c. 25, § 393-A, additional. Chapter 25 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 393-A, to read as follows:

'Sec. 393-A. Delayed birth registration. In order to provide an official record of statements concerning births which have occurred in this State, the State Registrar shall accept a registration of any birth of which no record can be found in either the files of the State Registrar or the clerk of the municipality where the birth occurred, provided such registration is filed in accordance with the provisions of this section.

I. A certificate of live birth on the prescribed form shall be filed with the clerk of the municipality where birth occurred if the date of filing is more than 7 days but not more than 7 years after the date of birth. The State Registrar may prescribe the evidence of the facts of birth to be presented in the event none of the persons specified in section 390 are available to sign the certificate.

II. When the birth occurred more than 7 years prior to the date of filing, it shall be registered on a form entitled "Delayed Registration of Birth." The form shall provide for the following information and such other data as may be required by the Department:

- A. A statement by the applicant including the name and sex of the person whose birth is to be registered, the place and date of birth, the name and birthplace of the father, the maiden name and birthplace of the mother;
- B. The signature of the registrant, or a parent or guardian if the registrant is under 15 years of age or is mentally incompetent;
- C. The signature of the registrant shall be acknowledged before an official authorized to take oaths;
- D. A description of each document submitted in support of the delayed birth registration; and
- E. The date of filing.

III. The State Registrar shall complete the description of evidence required on the delayed registration of birth and accept and file the certificate, provided the following evidence is submitted in support of the facts of birth:

- A. If the birth occurred more than 7 but less than 15 years prior to the date of filing, the facts of birth stated by the applicant shall be supported by at least 2 documents, only one of which may be an affidavit of personal knowledge; or
- B. If the birth occurred more than 15 years prior to the date of filing, the date and place of birth must be supported by at least 3 documents, only one of which may be an affidavit of personal knowledge, and the names of the parents must be supported by at least one document, which may be any one of the 3 submitted in evidence of the place and date of birth.

C. Any document accepted as evidence, other than the affidavit of personal knowledge, shall be at least 5 years old, or shall be a copy or abstract of a record made at least 5 years prior to the date of filing and certified as a true and correct copy by the custodian of the record.

IV. When the applicant does not submit documentation as specified in subsections II and III in support of his statements, or when the State Registrar finds reason to question the adequacy of the documentation, the said State Registrar shall not sign or accept the delayed registration of birth, but shall advise the applicant of its deficiencies and request that further documentation be submitted.

V. After the delayed birth registration has been accepted, the State Registrar shall forward a certified copy to the clerk of the municipality where the birth occurred.

VI. Any certified copy of a delayed birth registration filed under the provisions of this section shall be issued on a form which indicates that it is a copy of a delayed birth registration, and shall contain a description of the documents submitted in evidence.'

Sec. 7. R. S., c. 25, § 397-A, additional. Chapter 25 of the Revised Statutes is hereby amended by adding thereto a new section, to be numbered 397-A, to read as follows:

'Sec. 397-A. Disclosure of vital records. Custodians of certificates and records of birth, marriage and death may permit inspection of records, or issue certified copies of certificates or records, or any parts thereof, when satisfied that the applicant therefor has a direct and legitimate interest in the matter recorded, the decision of the State Registrar or the clerk of a municipality being subject to review by the Superior Court or any Justice thereof in vacation, under the limitations of this section.

I. No official in this State shall permit inspection, or issue a certified copy of any certificate or record of birth disclosing illegitimacy. Such a record may be disclosed or a certified copy issued upon request of the illegitimate himself, or his legal guardian or counsel.

II. The State Registrar may permit the use of data contained in vital records for purposes of statistical research. Such data shall not be used in a manner which will identify any individual.

III. The national agency responsible for compiling national vital statistics may be furnished such copies or data as it may require for national statistics. The State shall be reimbursed for cost of furnishing such copies or data, and such data shall not be used in a manner which will identify any individual, except as authorized by the State Registrar.

IV. It shall be unlawful for any employee of the State or of any municipality in the State to disclose data contained in such records except as authorized in this section.'

**Sec. 8. R. S., c. 25, § 399, repealed and replaced.** Section 399 of chapter 25 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

**'Sec. 399. Evidentiary character of vital records.** Any certificate or record of any live birth, marriage, death or fetal death filed under the provisions of this chapter, or a copy thereof duly certified by its official custodian, shall be prima facie evidence of the fact of such birth, marriage, death or fetal death, if not "amended" or "delayed." The probative value of "amended" or "delayed" records shall be determined by the judicial or administrative body or official before whom the certificate is offered in evidence.'

**Sec. 9. R. S., c. 25, § 400, repealed and replaced.** Section 400 of chapter 25 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

**'Sec. 400. Correction of errors on vital statistics records.** Except as provided by this chapter, a certificate or record filed under the provisions of sections 378 to 403, inclusive, may be altered or amended only in accordance with such regulations as the Department may adopt to protect the integrity of vital statistics records.

**I. A certificate which has been altered or amended after its filing shall be marked "amended," and the date on which the certificate or record was amended and a summary description of the evidence submitted in support of the correction shall be endorsed on the record. Any certified copies of certificates or records amended under the provisions of this section shall be marked "amended."**

**II. Incomplete certificates and records may be completed from a supplementary form within 1 year after the date of filing without being considered altered or amended.'**

**Sec. 10. R. S., c. 25, §§ 379, 384, 385, 394, 396, 398 and 402, repealed.** Sections 379, 384, 385, 394, 396, 398 and 402 of chapter 25 of the Revised Statutes are hereby repealed.

**Sec. 11. R. S., c. 91, § 28, amended.** The 7th paragraph of section 28 of chapter 91 of the Revised Statutes is hereby amended to read as follows:

**'For every birth, marriage or death collected and recorded under the provisions of section ~~402~~ 378-A of chapter 25, 25c, to be paid by the city or town.'**

**Sec. 12. Intent.** It is the intent of the Legislature that this act shall in no way affect the present tenure of office of the present Registrar of Vital Statistics and the present employees in the Office of Vital Statistics.