

MAINE STATE LEGISLATURE

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Legislative Document

No. 444

H. P. 297

House of Representatives, February 4, 1959.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Russell of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Revising the Laws Relating to the Registration of Vital Statistics.

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

Sec. 1. R. S., c. 25, § 379, repealed. Section 379 of chapter 25 of the Revised Statutes is repealed.

Sec. 2. R. S., c. 25, § 381, repealed and replaced. Section 381 of chapter 25 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 381. Issuance of marriage certificates. Before issuing a marriage certificate to a person who resides and intends to continue to reside in another state, the town or city clerk shall satisfy himself by requiring affidavits or otherwise that such person is not prohibited to marry by the laws of the state where he or she resides.

Persons filing notice of intention to marry, one or both of whom have previously been married and divorced, shall submit therewith a certificate of divorce or certified copy of the divorce decree from the clerk of the court by which the divorce was granted. The clerk shall make a notation on the reverse side of the marriage intention form showing the title and location of the court, the names of the parties to the proceeding for divorce and the date when the decree became absolute. If there has been more than one divorce, the said certificate or certified copy as to every such divorce shall be submitted with and noted on each notice of intention.'

Sec. 3. R. S., c. 25, § 382, repealed and replaced. Section 382 of chapter 25 of the Revised Statutes, as amended by section 3 of chapter 326 of the public laws of 1955, is repealed and the following enacted in place thereof:

'Sec. 382. Registration of deaths. Except as authorized by the department, a certificate of each death which occurs in this State shall be filed with the clerk of the municipality where death occurred within 3 days after the day on which death occurred and prior to the removal of the body from the State.

I. The funeral director or other person in charge of the disposition of the dead human body or its removal from the State shall be responsible for filing the certificate. He shall obtain the personal data from the best qualified person or source available and he shall present the certificate to the physician or medical examiner responsible for completing the medical certification of the cause of death.

II. The medical certification of the cause of death shall be completed and signed within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when an inquiry as to the cause of death is required by law.

III. When death occurs without medical attendance, or when inquiry as to the cause of death is required by law, the medical examiner shall complete and sign the medical certification and verify or provide the date of death within 24 hours after death.'

Sec. 4. R. S., c. 25, § 383, repealed and replaced. Section 383 of chapter 25 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 383. Registration of fetal deaths. Except as authorized by the department a certificate of each fetal death which occurs in this State shall be filed with the clerk of the municipality where the delivery occurred within 3 days after delivery and prior to removal of the fetus from the State.

I. The funeral director or person acting as such who first assumes custody of the fetus shall be responsible for filing the certificate. In the absence of such a person, the physician or other person in attendance at or after the delivery shall be responsible for filing the certificate. He shall obtain the personal data from the best qualified person or source available and shall present the certificate to the person responsible for completing the medical certification of the cause of death.

II. The medical certification shall be completed and signed within 24 hours after delivery by the physician in attendance at or after the delivery except when an inquiry as to the cause of fetal death is required by law.

III. When the fetal death occurs without medical attendance upon the mother at or after delivery, or when inquiry as to the cause of fetal death is required by law, the medical examiner shall complete and sign the medical certification within 24 hours after delivery.'

Sec. 5. R. S., c. 25, § 389, repealed. Section 389 of chapter 25 of the Revised Statutes is repealed.

Sec. 6. R. S., c. 25, § 392, repealed and replaced. Section 392 of chapter 25 of the Revised Statutes is repealed and the following enacted in place thereof:

‘Sec. 392. New certificate of birth following adoption or legitimation.

I. The state registrar shall establish a new certificate of birth for a person born in this State when he receives the following :

A. A certificate of adoption as provided in chapter 158, section 38, or a certified copy of the decree of adoption along with the information necessary to identify the original certificate and establish the new certificate of birth; except that a new certificate shall not be established if so requested by the adopting parents or the adopted person.

B. A certificate that a new certificate be established and such evidence as the department may require by regulation proving that such person has been legitimated.

II. When a new certificate of birth is established the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate of birth and the evidence of adoption or legitimation shall not be subject to inspection except upon order of a probate court or the Superior Court.

III. Upon receipt of notice of an annulment or revocation of adoption the original certificate shall be restored to its place in the files and the new certificate and evidence of adoption shall not be subject to inspection except upon order of a probate court or the Superior Court.

IV. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed birth registration shall be filed as provided by law before a new certificate of birth is established.

V. When the new certificate of birth is established, the state registrar shall provide each municipal clerk who is required by law to have a copy of the certificate of birth on file with a copy of the new certificate of birth. All copies of the original certificate in the custody of any municipal clerk shall be sealed from inspection or surrendered to the state registrar as he shall direct.’

Sec. 7. R. S., c. 25, § 392-A, additional. Chapter 25 of the Revised Statutes is amended by adding a new section 392-A, as follows :

‘Sec. 392-A. Registration of births and deaths at Veterans Administration Center. Certificates of live births, deaths and fetal deaths occurring at the Veterans Administration Center at Togus shall be filed directly with the state registrar. The state registrar shall forward copies of all such certificates of live birth, death and fetal death to the clerk of the municipality where the parents of the child reside or where the deceased was a resident or was buried.’

Sec. 8. R. S., c. 25, § 401, repealed and replaced. Section 401 of chapter 25 of the Revised Statutes is repealed and the following enacted in place thereof :

‘Sec. 401. Penalties.

I. Any person who willfully falsifies, willfully provides false information, makes or alters any certificate or certified copy except as provided for in this chapter shall be guilty of a felony and upon conviction shall be punished by a

fine of not less than \$100 and not more than \$1,000 or by imprisonment for not more than one year, or by both.

II. Any person who knowingly transports or accepts for transportation, interment or other disposition, a dead body without an accompanying permit issued in accordance with this chapter; any person who refuses to provide information required by this chapter; or any person who violates any of the provisions of this chapter having to do with the registration of vital statistics or neglects or refuses to perform any of the duties imposed upon him by this chapter having to do with the registration of vital statistics, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$25 nor more than \$100.'

Sec. 9. R. S., c. 25, § 403, amended. Section 403 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 403. Duty of state registrar when law violated. When the State Registrar of Vital Statistics believes that, in any place in this State, the certificates or records of live births, marriages ~~or~~, deaths or fetal deaths are not made or kept as is provided by law, or that any person neglects or fails to perform any duty required in the law relating to the registration of vital statistics, the said registrar may visit such places and make such investigations as he may deem necessary, and all records, books and papers of town clerks relating to live births, marriages ~~or~~, deaths or fetal deaths shall be open to his examination. Any person who refuses to permit or hinders the examination or investigation herein provided for shall be punished by a fine of not less than ~~\$5~~ \$25 nor more than ~~\$20~~ \$50. All actual traveling and other necessary expenses thus incurred by the state registrar, or incurred in attending the prosecution of cases brought by county attorneys, hereunder, shall be paid by the state, but not more than \$200 shall thus be paid to the state registrar for such expenses in a year.

When the state registrar knows, or has good reason to believe, that any penalty or forfeiture under the law relating to vital statistics has been incurred, he shall forthwith give notice thereof, in writing, to the county attorney of the county in which said penalty or forfeiture has occurred, which notice shall state as near as may be the time of such neglect, the name of the person or persons incurring the penalty or forfeiture, and such other facts relating to the default of duty as said registrar may have been able to learn, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.'

Sec. 10. R. S., c. 89, § 244-A, additional. Chapter 89 of the Revised Statutes is amended by adding a new section 244-A, as follows:

'Sec. 244-A. Death without medical attendance. When any person shall die without the attendance of a physician in his or her last sickness, the head of the household in which such death occurred, any funeral director called to remove the dead body, or any physician called to examine the dead body shall call a medical examiner to examine the body and shall give him all information which they may have concerning the death. None of the persons enumerated above shall be absolved of the responsibility of calling a medical examiner until such medical examiner is called.'

Sec. 11. R. S., c. 158, § 38, amended. The 2nd paragraph of section 38 of chapter 158 of the Revised Statutes is amended to read as follows:

'A certified copy of the birth record of the child proposed for adoption shall be presented with the petition for adoption, provided such a certified copy can be obtained or can be made available by filing a delayed ~~return of birth registration~~. After the adoption has been decreed the register of probate shall forthwith file a **certificate of adoption** with the **State Registrar of Vital Statistics** ~~and the official for recording births in the town where the child was born, a report of the adoption~~ on a form prescribed and furnished by the **State Registrar of Vital Statistics**. ~~The report of the adoption shall be signed by the register of probate and the seal of the court impressed thereon. The registrar of vital statistics shall file with the proper official for recording births in the town where the child was born, a copy of the birth certificate made from the report of the adoption. Any certificate of birth of such child thereafter issued shall be issued so as to read, in all respects, as if such child had been born to such adoptive parents.~~

The petitioners shall furnish with the petition such information as the state registrar shall require, on a form prescribed and furnished by the state registrar, and shall certify to the truth of such information.

The register of probate shall furnish such information from the official court record as the state registrar shall require and shall certify to the court action under the seal of his court.

When the state registrar shall receive a certificate of adoption, or an annulment or revocation of adoption or amendment thereof from a court for a person born outside this State he shall forward such certificate, annulment, revocation or amendment to the appropriate registration authority in the state of birth.'

Sec. 12. R. S., c. 158, § 43, amended. Section 43 of chapter 158 of the Revised Statutes is amended to read as follows:

'**Sec. 43. Decree of adoption annulled.** Any judge of probate may, on petition of 2 or more persons, after notice and hearing and for good cause shown, reverse and annul any decree of the probate court in his county, whereby any child has been adopted under ~~the provisions of~~ this chapter.

After any decree of adoption has been annulled, the register of probate shall forthwith transmit a certified copy of the annulment to the **State Registrar of Vital Statistics**.'