

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4

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Augusta, Maine
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CHAPTER 260

S.P. 545 - L.D. 1493

An Act to Modernize Vital Statistics Reporting

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

Sec. 1. 22 MRSA §2701, sub-§3 is amended to read:

3. Forms and reports. The state registrar shall prescribe and furnish forms and issue instructions necessary to the administration of the vital statistics system or prescribe other means of transmission of data that accomplishes the purpose of complete and accurate reporting and registration. ~~He~~ The state registrar shall prepare and publish annual reports of vital statistics and such other reports as are requested by the department.

Sec. 2. 22 MRSA §2701, sub-§7 is enacted to read:

7. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "File" means the presentation and acceptance of a vital record or report for registration by the Office of Vital Statistics or a municipal clerk as specified in departmental rule.

B. "Date of filing" means the date a vital record is accepted for registration by the Office of Vital Statistics or a municipal clerk.

Sec. 3. 22 MRSA §2701-A is enacted to read:

§2701-A. Contents of certificates and reports

1. Format. Each certificate, report or other document required by this section must be prepared in the format approved by the state registrar.

2. Filing date. All vital records must contain the date of filing.

Sec. 4. 22 MRSA §2702, sub-§2, as amended by PL 1989, c. 225, §5, is repealed and the following enacted in its place:

2. Transmittal of certificates to state registrar. Except as authorized by the state registrar, a record received in a municipal office must be transmitted by the clerk of the municipality to the state registrar within a reasonable period of time as specified by department rule and in the format specified by the state registrar.

Sec. 5. 22 MRSA §2702, sub-§3, as amended by PL 1985, c. 25, is further amended to read:

3. Transmittal of certificates to other municipalities. ~~When~~ Except as authorized by the state registrar, when the parents of any child born are residents of any other municipality in this State, or when any deceased person was a resident of any other municipality in this State, the clerk of the municipality where that live birth or death occurred shall, between the 10th and the 15th of the month next following at the same time, transmit the record to the state registrar and transmit a certified copy of the certificate of the live birth or death to the clerk of the municipality where the parents reside, or where the deceased was a resident.

Sec. 6. 22 MRSA §2761, as amended by PL 1993, c. 410, Pt. V, §13, is further amended to read:

§2761. Registration of live births

A certificate of each live birth ~~which~~ that occurs in this State ~~shall~~ must be filed with the clerk of the municipality in which ~~such~~ the live birth occurred ~~within 14 days after the date of birth or with the state registrar within a reasonable period of time as specified by the department and must be registered if the certificate has been completed and filed in accordance with this section.~~

1. Certificate from hospital. When the live birth occurs in a hospital or related an institution, or en route to the hospital or institution, the person in charge of such the institution or the person's authorized designee 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 obtain the personal data, prepare the certificate, certify by signature or by electronic process that the child was born alive at the place and time and on the date stated and file the certificate as directed in this section. The physician or other person in attendance shall provide the medical information required by the certificate in a timely fashion, in accordance with department rule.

~~**2. Date of birth.** On each such certificate, the physician in attendance shall verify or provide the date of birth and medical information required within 7 days after birth.~~

~~**3. Birth outside an institution.** Except as provided in this section, the certificate shall be prepared and filed by~~ When a birth occurs outside an institution, the certificate must be prepared and filed by one of the following in the indicated order of priority:

- A. The physician or other person in attendance ~~on at or immediately after 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 afore-said, and in the inability of the mother;~~
- D. The person in charge of the premises where the live birth occurred.

3-A. Parentage. For the purposes of birth registration, the mother is deemed to be the woman who gives birth to the child, unless otherwise determined by a court of competent jurisdiction prior to the filing of the birth certificate. If the mother was married at the time of either conception or birth, or between conception and birth, the name of the husband must be entered on the certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

4. Out-of-wedlock birth. Except as otherwise provided in this subsection, ~~in the case of a child conceived and born out of wedlock, if the mother was not married at the time of either conception or birth, or between conception and birth, neither~~ the name of the putative father ~~nor any other information about the putative father may not~~ be entered on the certificate without his written consent and that of the mother. The signature of the putative father on the written consent must be acknowledged before an official authorized to take oaths. The signature of the mother on her written consent must also be acknowledged before an official authorized to take oaths. If a determination of paternity has been made by a court of competent jurisdiction, then the name of the father as determined by the court must be entered on the birth certificate without the father's or the mother's consent. If the putative father executes an acknowledgement of paternity with the department and the putative father is either named in writing by the mother as the father or is presumed to be the father based on the results of blood or tissue-typing tests, the name of the father must be entered on the birth certificate without the father's or the mother's consent.

4-A. Information verified. Either of the parents of the child or an informant shall verify the accuracy of the personal data to be entered on the certificate.

5. Certificate signed by father and mother. ~~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 14 days prescribed. If father and mother are unable to sign, then no signature need be required.~~

6. Disclosure of social security number. In connection with the preparation and issuance of a birth certificate pursuant to this section, section 2764 or section 2765, each parent shall furnish the social security account number, or numbers if the parent has more than one number, issued to the parent unless the State Registrar of Vital Statistics, in accordance with regulations prescribed by the Secretary of the United States Department of Health and Human Services, finds good cause for not requiring the furnishing of those numbers. The state registrar shall make numbers furnished under this subsection available to the department in its capacity as the state agency administering the State's plan under the United States Social Security Act, Title IV, Part D. Except as required by federal law, those numbers may not be recorded on the birth certificate in such a manner that the numbers would appear on a certified copy of the certificate. Except as required by federal law, the department may not use any social security number, obtained with respect to the issuance of a birth certificate, for any purpose other than for the administration of the State's plan under the United States Social Security Act, Title IV, Part D. The department shall adopt rules to implement this subsection.

See title page for effective date.

CHAPTER 261

H.P. 1096 - L.D. 1540

An Act Concerning Potato Blight Eradication and the Disposal of Cull Potatoes

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the practice of maintaining potato cull piles has created a threat to the potato industry in that the disease may grow and be spread to nearby potato crops; and

Whereas, the discovery of the A2 strain of late blight has raised the possibility of devastating economic losses due to this disease; and

Whereas, these potential losses could negatively affect the health, safety and welfare of the citizens of this State and the potato industry unless action is taken to remove the potato culls and potato cull piles; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-