

MAINE STATE LEGISLATURE

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CHAPTER 703
BIRTH RECORDS

Sec.

- 2761. Registration of live births.
- 2762. Return of all births.
- 2763. Birth certificates of foundlings; report.
- 2764. Delayed birth registration.
- 2765. New certificate of birth following adoption or legitimation.

§ 2761. 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.

1. Certificate from hospital. 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.

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 5 days after birth.

3. Certificate prepared and filed. 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.

4. Illegitimate child. 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 of a child out of wedlock, the child's surname shall be entered on the certificate as that of the mother.

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 7 days prescribed. If father and mother are unable to sign, then no signature need be required.

R.S.1954, c. 25, § 390; 1957, c. 298, § 5.

§ 2762. Return of all births

The assessors shall, when taking the annual inventory, collect and return to the town clerk, before the first day of June, the births which have occurred within their respective jurisdictions during the year ending December 31st next preceding, together with the names of such children. When it is found that any birth is not recorded as required, the clerk shall require the person or persons whose duty it was to report such birth to make a return forthwith.

R.S.1954, c. 25, § 395.

§ 2763. Birth certificates of foundlings; report

Whoever assumes the custody of a child of unknown parentage shall immediately report to the local town or city clerk in writing:

1. **Date and place of finding.** The date and place of finding or assumption of custody;

2. **Sex, color, age.** Sex; color or race; and approximate age of child;

3. **Name and address of custodian.** Name and address of the person or institution with whom the child has been placed for care;

4. **Name.** Name given to the child by the finder or custodian.

The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation. The report shall constitute the certificate of birth. If the child is thereafter identified, the record of birth made in compliance herewith and any certificate issued thereon shall be null and void and so recorded.

R.S.1954, c. 25, § 391.

§ 2764. 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 this section.

1. Certificate of live birth. 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 2761 are available to sign the certificate.

2. Delayed registration of birth. 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.

3. Description of evidence completed and filed. 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.

4. Deficiencies. When the applicant does not submit documentation as specified in subsections 2 and 3 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.

5. Certified copy to municipality. 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.

6. Form. Any certified copy of a delayed birth registration filed under 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.

1957, c. 298, § 6.

§ 2765. **New certificate of birth following adoption or legitimation**

1. New certificate of birth. 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 Title 19, section 533, 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 request that a new certificate be established and such evidence as the department may require by regulation proving that such person has been legitimated.

2. Original certificate not subject to inspection. 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.

3. Original certificate restored. 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.

4. Delayed birth registration. 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.

5. Copies of original certificate. 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.

R.S.1954, c. 25, § 392; 1959, c. 291, § 6.