

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding the Filing of Birth, Death and Marriage Data

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

Sec. 1. 19-A MRSA §651, sub-§2, as amended by PL 1997, c. 537, §12 and affected by §62, is further amended to read:

2. Application. The parties wishing to record notice of their intentions of marriage shall submit an application for recording notice of their intentions of marriage. The application must include a signed certification that the information recorded on the application is correct and that the applicant is free to marry according to the laws of this State. The applicant's signature must be acknowledged before an official authorized to take oaths. Applications recording notice of intentions to marry ~~must be open for public inspection in the office of the clerk~~ are confidential and are not open for public inspection for 50 years from the date of the application, except that the names of the persons for whom intentions to marry are filed and the intended date of marriage are public records and open for public inspection. ~~When the application is submitted, the applicant shall provide the clerk with the social security numbers of the parties. The application must include a statement that the social security numbers of the parties have been provided to the clerk. The clerk shall record the social security numbers provided by each applicant. The record of the social security numbers is confidential and is not open for public inspection.~~

Sec. 2. 22 MRSA §2702, sub-§3, as amended by PL 2009, c. 601, §6, is further amended to read:

3. Transmittal of certificates to other municipalities. Except as authorized by the state registrar ~~or except if the birth is registered or will be registered on the electronic birth registration system implemented by the state registrar~~, when the parents of any child born are residents of any other municipality in this State, the clerk of the municipality where that live birth occurred shall transmit a copy of the certificate of the live birth to the clerk of the municipality where the parents reside.

Sec. 3. 22 MRSA §2703, as amended by PL 2009, c. 601, §8, is further amended to read:

§ 2703. Birth in unincorporated place

When a birth occurs in an unincorporated place, it must be reported to ~~the~~ a municipal clerk ~~in the municipality that is nearest to the place at which the birth took place~~ as specified by the state registrar and must be recorded, ~~or registered in the electronic birth registration system~~, by the municipal clerk to whom the report is made. All such reports and records must be ~~made and recorded and returned~~ forwarded to the state registrar.

Sec. 4. 22 MRSA §2704, as amended by PL 2009, c. 601, §9, is further amended to read:

§ 2704. Registration of births and deaths at Togus

Certificates of live births, deaths and fetal deaths occurring at the ~~United States Department of Veterans Affairs at federal facility known as~~ Togus must 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.

Sec. 5. 22 MRSA §2763, first ¶ is amended to read:

Whoever assumes the custody of a child of unknown parentage shall immediately report to the ~~local town or city clerk~~ Office of Data, Research and Vital Statistics in writing:

Sec. 6. 22 MRSA §2764, sub-§§1 and 2 are amended to read:

1. Certificate of live birth. A certificate of live birth on the prescribed form ~~shall~~must be filed with the ~~clerk of the municipality where birth occurred~~ Office of Data, Research and Vital Statistics if the date of filing is more than 7 days but not more than ~~7 years~~one year 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~~one year prior to the date of filing, it ~~shall~~must be registered on a form entitled "Delayed Registration of Birth." The form ~~shall~~must 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;and 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~~must 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.

Sec. 7. 22 MRSA §2764, sub-§3, ¶A is amended to read:

A. If the birth occurred more than ~~7~~one year but less than 15 years prior to the date of filing, the facts of birth stated by the applicant ~~shall~~must be supported by at least 2 documents, only one of which may be an affidavit of personal knowledge; or

Sec. 8. 22 MRSA §2764, sub-§5 is amended to read:

5. Attested copy to municipality. After the delayed birth registration has been accepted, the state registrar shall forward ~~a certified~~ an attested copy to the clerk of the municipality where the birth occurred or, in case of a birth in an unincorporated place, to the municipal clerk specified by the state registrar.

SUMMARY

This bill expedites electronic filing of vital records and protects persons named in vital records from identity theft and fraud by closing to public inspection filed notices of intentions to marry for the same time frame that marriage certificates are closed, except for the names of the persons who intend to marry and the intended date of marriage. The bill helps align state law regarding the delayed filing of records with the requirements of the Federal Government.