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Legislative Document

No. 1695

S.P. 560

In Senate, May 7, 2019

An Act Regarding the Law Governing the Disclosure of Vital Records

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.

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

2 **Sec. 1. 22 MRSA §2706**, as amended by PL 2015, c. 393, §1, is further amended
3 to read:

4 **§2706. Disclosure of vital records**

5 Custodians of certificates and records of birth, marriage and death shall permit
6 inspection of records, or issue ~~certified or noncertified~~ copies of certificates or records, or
7 any parts thereof, ~~when satisfied that the applicant has a direct and legitimate interest in~~
8 ~~the matter recorded, the decision of the state registrar or the clerk of a municipality being~~
9 ~~subject to review by the Superior Court, under the limitations of this section upon request.~~
10 Custodians of certificates and records of birth, marriage and death shall issue certified
11 copies of certificates or records, or any parts thereof, to those persons specified in
12 subsection 5.

13 For the purposes of this section, "inspection" includes visual and physical access to
14 the original certificate or record when no alternative method of inspection is available.
15 The state registrar or municipal clerk shall require that original, paper certificates or
16 records be handled in accordance with rules adopted by the department, which are routine
17 technical rules pursuant to Title 5, chapter 375, subchapter 2-A, designed to protect the
18 physical integrity and condition of the certificates and records.

19 **2. Statistical research.** The state registrar may permit the use of data contained in
20 vital records for purposes of statistical research. Such data may not be used in a manner
21 that will identify any individual.

22 **3. National statistics.** The national agency responsible for compiling national vital
23 statistics may be furnished such copies or data as it may require for national statistics.
24 The State must be reimbursed for cost of furnishing such copies or data, and such data
25 may not be used in a manner that will identify any individual, except as authorized by the
26 state registrar.

27 **4. Unlawful disclosure of data.** It is unlawful for any employee of the State or of
28 any municipality in the State to disclose data contained in ~~such~~ vital records, except as
29 authorized in this section and except that a clerk of a municipality may cause to be
30 printed in the annual town report the births reported within the year covered by the report,
31 by number of births and location by city or town where birth occurred, deaths reported
32 within the year covered by the report, by date of death, name, age and location by city or
33 town where death occurred, and marriages reported within the year covered by the report
34 by names of parties and date of marriage. All other details of birth, marriage, divorce or
35 death may not be available to the general public, except as specified in ~~department rules~~
36 subsections 5 and 7.

37 **5. Records disclosed.** Certified or noncertified copies of vital records of a person
38 must be made available at any reasonable time upon that person's request or the request of
39 that person's spouse, registered domestic partner, descendant, parent or guardian,
40 grandparent, sibling, stepparent, stepchild, aunt, uncle, niece, nephew, mother-in-law,
41 father-in-law, personal representative or that person's duly designated attorney or agent or

1 attorney for an agent designated by that person or by a court having jurisdiction over that
2 person whether the request be made in person, by mail, by telephone or otherwise, if the
3 state registrar is satisfied as to the identity of the requester and, if an attorney or agent, if
4 the state registrar is satisfied as to the attorney's or agent's authority to act as that person's
5 agent or attorney. If the agent or attorney has been appointed by a court of competent
6 jurisdiction, or the attorney's or agent's appearance for the person is entered therein, the
7 state registrar shall upon request so ascertain by telephone call to the register, clerk or
8 recorder of the court, and this must be deemed sufficient justification to compel
9 compliance with the request for the record. Certified or noncertified copies of the death
10 certificate of a minor's parent must be made available at any reasonable time upon the
11 request of that minor's living parent, as defined in Title 19-A, section 1832, subsection
12 13, if the requester's parental rights with respect to that minor have not been terminated
13 and the state registrar is satisfied as to the identity of the requester. The state registrar
14 shall, as soon as possible, designate persons in the Office of Data, Research and Vital
15 Statistics who may act in the state registrar's absence or, in case of the state registrar's
16 disqualification, to carry out the intent of this subsection. A record of birth, death, fetal
17 death, marriage, divorce or domestic partner registration may be disclosed as necessary
18 for the department to carry out its responsibilities.

19 **6. Address Confidentiality Program.** Access to vital records may be further
20 restricted ~~within the parties listed in subsection 5~~ according to procedures of the Address
21 Confidentiality Program under Title 5, section 90-B.

22 **7. Public records.** ~~After 75 years from the date of birth for birth certificates, after~~
23 ~~50 years from the date of death for fetal death certificates, after 25 years from the date of~~
24 ~~death for death certificates, after 50 years from the date of marriage for marriage~~
25 ~~certificates and after 50 years from the registration of domestic partnerships, any~~
26 Certificates and records of birth, marriage, intentions to marry, domestic partnerships and
27 death, including fetal death, are open to the public without restriction. Any person may
28 obtain inspect and purchase noncertified copies of these vital records in accordance with
29 the department's rules. Certified copies of these records may be purchased only by those
30 persons specified in subsection 5. Certificates and records of birth, marriage, intentions
31 to marry and death, including fetal death, created prior to 1892 are open to the public
32 without restriction. All persons may purchase a copy on municipal letterhead or a
33 noncertified copy of a vital record created prior to 1892.

34 **8. Genealogical research.** Custodians of certificates and records of birth, marriage
35 and death, including applications regarding notice of intentions to marry, shall permit
36 inspection of records by and issue noncertified copies to researchers engaged in
37 genealogical research who hold researcher identification cards, as specified by rule
38 adopted by the department. The department shall adopt rules to implement this
39 subsection. Rules adopted by the department pursuant to this subsection are routine
40 technical rules as defined by Title 5, chapter 375, subchapter 2-A.

41 **9. Indices.** Indices to certificates and records of birth, marriage, intentions to marry,
42 domestic partnerships and death, including fetal death, at the municipal and state levels
43 are open to the public without restriction.

