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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 258

H.P. 211

House of Representatives, February 1, 2011

An Act Relating to Access to Vital Records

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Representatives: HARVELL of Farmington, MORISSETTE of Winslow.

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

2 **Sec. 1. 22 MRSA §2706**, as amended by PL 2009, c. 601, §12, is further amended
3 to read:

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

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

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

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

19 **4. Unlawful disclosure of data.** It is unlawful for any employee of the State or of
20 any municipality in the State to disclose data contained in such records, except as
21 authorized in this section and except that a clerk of a municipality may cause to be
22 printed in the annual town report the births reported within the year covered by the report,
23 by number of births and location by city or town where birth occurred, deaths reported
24 within the year covered by the report, by date of death, name, age and location by city or
25 town where death occurred, and marriages reported within the year covered by the report
26 by names of parties and date of marriage. ~~All other details of birth, marriage, divorce or~~
27 ~~death may not be available to the general public, except as specified in department rules.~~

28 **5. Records disclosed.** Vital records of a person must be made available at any
29 reasonable time upon that person's request or the request of that person's spouse,
30 registered domestic partner, descendants or collateral descendants, parents or guardians,
31 grandparents, genealogists or that person's duly designated attorney or agent or attorney
32 for an agent designated by that person or by a court having jurisdiction over that person
33 whether the request be made in person, by mail, by telephone or otherwise, if the state
34 registrar is satisfied as to the identity of the requester and, if an attorney or agent, if the
35 state registrar is satisfied as to the ~~attorney~~ attorney's or agent's authority to act as that
36 person's agent or attorney. If the agent or attorney has been appointed by a court of
37 competent jurisdiction, or the ~~attorney~~ attorney's or agent's appearance for the person is
38 entered therein, the state registrar shall upon request so ascertain by telephone call to the
39 register, clerk or recorder of the court, and this must be deemed sufficient justification to
40 compel compliance with the request for the record. The state registrar shall, as soon as
41 possible, designate persons in the Office of Data, Research and Vital Statistics who may
42 act in the state registrar's absence or, in case of the state registrar's disqualification, to

1 carry out the intent of this subsection. A record of birth, death, fetal death, marriage,
2 divorce or domestic partner registration may be disclosed as necessary for the department
3 to carry out its responsibilities.

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

7 **7. Public records.** ~~After 100 years from the date of birth for birth certificates, after~~
8 ~~100 years from the date of death for fetal death certificates and death certificates, after~~
9 ~~100 years from the date of marriage for marriage certificates and after 100 years from the~~
10 ~~registration of domestic partnerships, any person may obtain informational copies of~~
11 ~~these vital records in accordance with the department's rules. Any person may inspect,~~
12 ~~transcribe or abstract birth certificates, fetal death certificates, death certificates, marriage~~
13 ~~certificates and registrations of domestic partnerships created after 1893 in accordance~~
14 ~~with the department's rules, except as specified in subsection 6.~~

15 **8. Genealogical research.** ~~Custodians of certificates and records of birth, marriage~~
16 ~~and death may permit inspection of records by and issue noncertified copies to~~
17 ~~researchers engaged in genealogical research who hold researcher identification cards, as~~
18 ~~specified by rule adopted by the department. The department shall adopt rules to~~
19 ~~implement this subsection. Rules adopted by the department pursuant to this subsection~~
20 ~~are routine technical rules as defined by Title 5, chapter 375, subchapter 2 A.~~

21 SUMMARY

22 This bill makes more accessible to the public birth records, marriage records,
23 domestic partnership registrations and death records while maintaining safeguards
24 regarding certified copies of those records.