

10 DEPARTMENT OF HUMAN SERVICES

146 OFFICE OF DATE, RESEARCH AND VITAL STATISTICS

Chapter 10: BIRTH REGISTRATION

1. Definitions

- A. Acknowledgment of Paternity. "Acknowledgment of paternity" means the form or electronic process prescribed and furnished by the state registrar for the purpose of recording the consent of each parent for entering the father's name on the birth certificate of a child born out of wedlock.
- B. Certificate of Live Birth. "Certificate of live birth" means the form or electronic process in general use for registering births which occur in Maine.
- C. Date of Filing. "Date of filing" means the date a vital record or report is accepted for registration by the Office of Vital Statistics or a municipal clerk.
- D. File. "File" means the presentation and acceptance of a vital record or report for registration by the Office of Vital Statistics or a municipal clerk.
- E. Institution. "Institution" means any establishment, public or private, which provides inpatient or outpatient birthing services.
- F. Live Birth. "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.
- G. Municipal Clerk. "Municipal clerk" means the duly elected or appointed clerk of the city, town or plantation where the birth occurred.
- H. Office of Vital Statistics. "Office of Vital Statistics" means the Office of Data, Research, and Vital Statistics.
- I. Out-of-Wedlock Birth. "Out-of-wedlock birth" means the birth of a child whose mother was not married at the time of either conception or birth, or at any time between conception and birth.

- J. Physician. "Physician" means a person authorized or licensed to practice medicine or osteopathy pursuant to the laws of Maine.
- K. Registration. "Registration" means the process by which vital records are completed, filed, and incorporated into the official records of the Office of Vital Statistics and/or the appropriate municipal clerks. Registration is complete when the Office of Vital Statistics or municipal clerk enters the date of filing.
- L. State Registrar. "State registrar" means the State Registrar, Deputy State Registrar, or other designated employee of the Office of Vital Statistics.
- M. Time Periods. As used in this rule, the following time periods are delineated:
- "2 days" - excludes the day on which the time period begins and any intermediate Saturday, Sunday, or legal holiday;
 - "5 days" - excludes the day on which the time period begins and any intermediate Saturday, Sunday, or legal holiday;
 - "7 days" - excludes the day on which the time period begins. It includes Saturdays, Sundays, or legal holidays unless the 7th day falls on a Saturday, Sunday, or legal holiday; in that case, the period ends on the next day which is not a Saturday, Sunday, or legal holiday.

2. 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 at any time between conception and birth, the name of the husband must be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

3. Births in an Institution

A. Responsibilities

1. Responsibility of Institution

All births occurring in an institution or en route to an institution, or attended in an institution immediately following the birth, must be registered in accordance with this section.

2. Responsibility of Person in Charge

The person in charge of the institution shall designate one or more individuals to be responsible for obtaining the personal and medical information required for the birth certificate, preparing it and filing it with the state registrar and municipal clerk as specified in this section.

3. Responsibility of Physician or Attendant

The physician or other person in attendance at the birth shall provide the medical information for the certificate to the person responsible for filing within 24 hours after the birth.

B. Registration

1. The person responsible for filing shall obtain the personal data and prepare the birth certificate using the computer software provided for this purpose by the state registrar.
2. Either of the parents of the child, or other informant, shall verify the accuracy of the personal data to be entered on the certificate.
3. Each child's mother or father shall be offered the opportunity to request that a social security number be issued for the child via the electronic system known as the Enumeration at Birth program. The signed request, on a worksheet or a special form prepared for this purpose, must be retained by the institution as a permanent record on paper, microfilm or electronic medium.
4. The birth certificate shall be filed with the state registrar by transmitting it electronically, using the computer software provided for this purpose, within 2 days after the birth.

5. Filing with the state registrar using the computer software provided for this purpose constitutes certification by the institution that the child was born at the place and time and on the date specified.
6. Two copies of the birth certificate shall be printed using the computer software provided for this purpose, and filed with the clerk of the municipality where the birth occurred within 5 days after the birth.
7. If the birth occurred in a municipality other than the mother's place of residence, the municipal clerk with whom the birth certificate is filed shall send the resident copy of the record to the clerk of the municipality where the mother resides within 7 days after receiving it.

C. Out-of-Wedlock Births

1. Responsibility of Institution

Each institution must provide to each unmarried mother and alleged father, if present, pamphlets or other written information provided by the Department of Human Services about paternity establishment and the form used to voluntarily acknowledge paternity.

2. Acknowledgment of Paternity

Each institution must provide an opportunity for all unmarried parents to complete a voluntary acknowledgment of paternity. Three copies of the "Acknowledgment of Paternity" form shall be printed by the institution, using the birth registration computer software provided by the state registrar. The parents may sign the form at the same time or separately. Signatures of both parents on the three copies of the "Acknowledgment of Paternity" form must be witnessed by a notary or other person authorized to take oaths. If the parents do not sign the "Acknowledgment of Paternity" form at the institution, it shall be given to them to sign and file at a later date.

3. Information on Certificate

When both parties have signed the "Acknowledgment of Paternity" form (in triplicate), the name of the father and the other information about him shall be recorded on the birth certificate. Otherwise, neither the name of the putative father nor any information about him may be entered on the certificate.

4. Filing

Two copies of the completed “Acknowledgment of Paternity” form shall be filed with the municipal clerk along with the birth certificate. One copy shall be mailed by the hospital directly to the Office of Vital Statistics within 5 days after the birth occurs.

D. Centralized Registration

1. The state registrar shall plan and establish a centralized electronic birth registration system in which birth certificate information is transmitted electronically from birthing institutions to the Office of Vital Statistics, and from the Office of Vital Statistics to all municipalities able to receive such electronic transmissions.
2. The requirements in paragraphs 6 and 7 of sub-§ B above, for filing with and transmission to municipal clerks, may be discontinued at the discretion of the state registrar when an electronic centralized registration system is implemented.
3. When a centralized system is implemented, the state registrar shall provide paper copies of birth records to those municipalities that do not have capabilities for electronic receipt of records.

4. Births Outside an Institution

A. Certificate

1. When a birth occurs outside an institution, it must be registered with the clerk of the municipality in which it occurred on the “Certificate of Live Birth” form prescribed and furnished by the state registrar for this purpose except as specified below.
2. When a birth occurs en route to an institution or is attended in an institution immediately following the birth, it shall be registered as specified in section 3, above. The place of birth for a birth which occurs in a moving conveyance is determined as specified in section 5, below.

B. Responsibility for Filing

The certificate must be prepared and filed by one of the following in the indicated order of priority:

1. The physician or other person in attendance at or immediately after the birth;
2. the father;
3. the mother; or
4. the person in charge of the premises where the birth occurred.

C. Registration

1. Either of the parents of the child, or other informant, shall verify the accuracy of the personal data to be entered on the certificate.
2. The birth certificate shall be filed with the municipal clerk within 7 days after the birth.
3. The municipal clerk shall forward the original copy of the certificate with the state registrar within 7 days after receipt of the record.
4. If the birth occurred in a municipality other than the mother's place of residence, the municipal clerk shall send the resident copy of the record to the clerk of the municipality where the mother resides.

D. Certification

The person filing the certificate must certify, by signature, that the child was born alive at the place and time and on the date stated.

E. Evidence

Additional documentation in support of the facts of birth may be required by the state registrar, including evidence of pregnancy, evidence that the infant was born alive, and evidence of the mother's presence in the state on the date of the birth.

F. Out-of-Wedlock Births

1. Acknowledgment of Paternity

The "Acknowledgment of Paternity" form may be obtained from any municipal clerk. The parents may sign the form (original and two copies) at the same time or separately. Signatures must be witnessed by a notary, lawyer, municipal clerk, or other person authorized to take oaths, or at the Office of Vital Statistics.

2. Information on Certificate

When both parents have signed the “Acknowledgment of Paternity” form, the name of the father and the other information about him shall be recorded on the birth certificate. Otherwise, neither the name of the putative father nor any information about him may be entered on the certificate.

3. Filing

The “Acknowledgment of Paternity” form may be filed with the municipal clerk at the place of birth, the clerk at the place of residence, or the Office of Vital Statistics. When an acknowledgment of paternity for a child born out-of-wedlock is received by the clerk at the place of birth or of residence, the clerk shall enter the father’s name on the birth certificate and forward the state copy of the acknowledgment to the state registrar. The state registrar shall forward copies to other custodians of the record as appropriate.

5. Birth in Moving Conveyance

A. Within the United States

When a birth occurs in a moving conveyance within the United States and the child is first removed from the conveyance in Maine, the birth shall be registered in Maine and the place where it is first removed shall be considered the place of birth.

B. Outside the United States

When a birth occurs in a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in Maine, the birth shall be registered in Maine. The certificate shall show the actual place of birth insofar as can be determined. A certificate registered under this subsection is not evidence of United States citizenship.

6. Foundling Registration

A. Certificate

The report for an infant of unknown parentage, made in accordance with 22 MRSA § 2763, shall be registered on the “Certificate of Live Birth” form in current use and shall:

1. have "foundling" marked in the top margin of the certificate so as to be visible on any certified copy of the record;
2. show the name given to the child by the finder or custodian;
3. show the child's sex, color or race, and approximate birth date;
4. have parentage left blank;
5. show the name, address and title of the custodian in lieu of the attendant; and
6. show the place where the child was found or custody assumed as the place of birth.

B. Inspection

The state registrar may permit inspection of certificates filed under this section according to the provisions of 22 MRSA 2706 and 10-146 CMR Chapters 4 and 8.

C. Child Identified

If the child is identified and a birth certificate is found or obtained, the report registered under this section shall be null and void and so recorded. The report shall be sealed and not available for inspection except upon order of a court of competent jurisdiction.

EFFECTIVE DATE: January 1, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 5, 1996