# **10 DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**146 OFFICE OF DATA, RESEARCH AND VITAL STATISTICS**

**Chapter 9: DELAYED BIRTH REGISTRATION**

1. Definitions

A. Affiant. "Affiant" means a person who has made an affidavit.

B. Affidavit. "Affidavit" means a statement made before a notary or other official qualified to take oaths.

C. Applicant. "Applicant" means a person 15 years of age or older who is the registrant; a parent or guardian if the registrant is under 15 years of age or is mentally incompetent; or a registrant who is under the age of 15 but has been designated an emancipated minor.

D. Application. "Application" means the application for a delayed registration of birth (VS-6 or other appropriate form), as prescribed and furnished by the state registrar.

E. Birth Facts. "Birth facts" means the registrant's full name, sex, date of birth (month, day, year) and place of birth (town, state).

F. Certificate of Live Birth. "Certificate of live birth" means the form in general use for registering births which occur in Maine.

G. Delayed Birth Registration. "Delayed birth registration" means the form prescribed and furnished by the state registrar for this purpose.

H. Office of Vital Statistics. "Office of Vital Statistics" means the Office of Data, Research, and Vital Statistics.

I. Parentage. "Parentage" means the full maiden name of the mother and the full name of the father.

J. Registrant. "Registrant" means the person whose birth is to be registered.

K. Registration. "Registration" means the filing of a record with the Office of Vital Statistics as required by law. Registration is complete when the Office of Vital Statistics enters the date of filing and signs the certificate.

L. State Registrar. "State registrar" means the State Registrar , Deputy State Registrar or other designated employee of the Office of Vital Statistics.

2. Responsibilities

A. State Registrar

1. A delayed registration of birth may be made only in the manner prescribed in this chapter, except as authorized by the state registrar.

2. The Office of Vital Statistics shall provide a certified statement with a seal that no record of the birth can be found in its files or at the municipality where the birth occurred.

3. Applications and all documents shall be submitted to the Office of Vital Statistics for review and action.

4. The state registrar shall evaluate all applications and evidence submitted in support of the delayed registration and shall approve and file the request when supported by appropriate evidence.

5. Upon determination that a record of the delayed birth registration should be filed, the Office of Vital Statistics shall send appropriate documentation and instructions to the clerk of the municipality where the birth occurred.

6. When an applicant does not submit the minimum documentation specified in this chapter for the delayed registration of a birth or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, the Office of Vital Statistics shall not file the delayed registration. The application shall be advised of the reason for this action, and the application, fee and all documents shall be returned to the applicant until such time as adequate and acceptable documentation is submitted.

B. Municipal Clerks

1. Municipal clerks shall accept and file certificates of live birth for births registered within seven years after the date of birth.

2. Municipal clerks shall advise and assist individuals in preparing applications and assembling evidence for the delayed registration of births.

3. Municipal clerks shall forward the application and supporting documents to the Office of Vital Statistics if requested by the applicant.

4. Municipal clerks shall process the completed delayed registration of birth only as instructed by the Office of Vital Statistics.

3. Conditions for Delayed Registration

Any person born in this state whose birth is not recorded in the files of either the Office of Vital Statistics or the clerk of the municipality where the birth occurred may request a delayed registration of birth.

If the person whose birth is to be registered is under the age of 15 or is mentally incompetent, the application for delayed registration of birth must be made by the person who attended the birth, the person in charge of the facility where birth occurred, the parent(s) or guardian.

An emancipated minor may apply directly for delayed registration of his or her birth.

A delayed registration of birth more than seven years after the birth occurred shall not be established for a person who has died except upon order by a court of competent jurisdiction.

4. Registration at Age Seven Years and Under

A. Form

Certificates of birth filed after the period specified in 22 MRSA § 2761 but not more than seven years after the date of birth shall be filed with the clerk of the municipality where birth occurred on the certificate of live birth. The certificate shall not be marked "delayed".

B. Who May Apply

The person currently in charge of the hospital or institution where the birth occurred, the physician or other person who attended the birth, or a parent shall file the certificate of live birth. In the event that none of those persons are available, the registrant's guardian shall file the certificate.

C. Evidence

1. If the certificate is filed by the person currently in charge of the hospital or institution where birth occurred, an affidavit referencing the hospital records which document the birth shall be attached.

2. The completed certificate of live birth signed by the attendant or the parent is sufficient evidence of the facts of birth and parentage.

3. If the certificate is filed by the registrant's guardian, an affidavit setting forth the reason therefor and at least one document supporting the facts of birth and parentage must be attached to the certificate. The document(s) provided may not be an affidavit of personal knowledge; it must meet the standards of acceptability specified in section 5, subsection E except that it need be established only one year prior to the date of application.

D. Distribution

After the certificate of live birth has been filed, the municipal clerk shall transmit the original record to the Office of Vital Statistics and a certified copy to the clerk of the municipality where the parents resided when the birth occurred.

5. Registration at Ages Eight Years and Older

A. Form

1. Births registered eight or more years after the date of birth shall be recorded on the delayed birth registration form and filed with the Office of Vital Statistics. The form shall be signed and sworn to before an official authorized to take oaths, by the person applying for the delayed registration.

2. Any certified copy of a delayed birth registration shall be made by photocopying the original or by transferring the information it contains onto the "copy of a delayed birth registration" form.

B. Who May Apply

1. Ages 8-14 Years

The delayed birth registration shall be submitted by the parent(s) or guardian of the registrant.

2. Emancipated Minor

The delayed birth registration shall be submitted by the registrant.

3. Ages 15 and Older

The delayed birth registration shall be submitted by the registrant.

4. Mentally Incompetent Persons Aged 15 and Older

The delayed birth registration shall be submitted by the parent(s) or guardian of the registrant.

C. Facts to be Established

The minimum facts which must be established by documentary evidence shall be the following:

1. Birth Facts

a. The full name of the person at the time of birth;

b. The registrant's sex;

c. The date of birth (month, day, year) and place of birth (town, state);

2. Parentage

a. The full maiden name of the mother;

b. The full name of the father;

D. Documentary Evidence - Requirements

1. Ages 8-14 Years

a. The full name of the registrant, date and place of birth must be supported by at least two pieces of documentary evidence, only one of which may be an affidavit of personal knowledge.

b. Parentage must be supported by at least one document, which may be an affidavit of personal knowledge.

2. Ages 15 and Older

a. The full name of the registrant, date and place of birth must be supported by at least three pieces of documentary evidence, only one of which may be an affidavit of personal knowledge.

b. Parentage must be supported by at least one document, which may be an affidavit of personal knowledge.

3. Consistency Among Documents

All documents submitted as evidence must be in agreement as to the facts which they are to establish. Different documents may be used in support of specific birth facts, but they may not contradict one another in any of the birth facts to be established. On all documents used to support the name, names must be spelled alike and be given in the same order as shown on the application. Documents which contain only the first initial of one of the applicant's middle name(s) may be used as evidence to support date, place of birth and parentage.

E. Documentary Evidence - Acceptability

1. Documents presented, such as census, hospital, church, health care, and school records, must be from independent sources and shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or document.

2. All documents submitted in evidence, other than an affidavit of personal knowledge, must have been established at least five years prior to the date of application, or shall be a copy or abstract of a record made at least five years prior to the date of application.

3. An affidavit of personal knowledge, to be acceptable, must be prepared by one of the parents, other relative, or any older person having personal knowledge of the facts of birth and must be signed before an official authorized to administer oaths. In all cases, the affiant must be 18 years of age or older, be at least five years older than the applicant, and have personal knowledge of the facts of birth.

F. Abstraction of Documentary Evidence

The Office of Vital Statistics shall abstract on the delayed birth registration a description of each document submitted to support the facts shown. This description shall include:

1. The title or description of the document;

2. The name and address of the affiant, if the document is an affidavit of personal knowledge, or of the custodian, if the document is an original or certified copy of a record or a signed statement from the custodian;

3. The date of the original filing of the document being abstracted;

4. The information regarding the birth and parentage facts contained in the document.

All documents submitted in support of the delayed birth registration shall be returned to the applicant after review.

G. Certification by the State Registrar

The state registrar shall, by certified statement with a seal, certify:

1. That no prior birth certificate is on file, in the registrar's files or at the municipality where the birth occurred, for the person whose birth is to be recorded;

2. That the evidence submitted to establish the facts of birth has been reviewed;

3. That the abstract of the evidence appearing on the delayed birth registration accurately reflects the nature and content of the document.

4. That the delayed birth registration is accepted for registration.

H. Distribution

After the delayed birth registration has been accepted and registered by the Office of Vital Statistics, certified copies shall be forwarded to the municipal clerk at the place of birth.

I. Deficiencies

When the applicant does not submit the minimum documentation specified in this chapter, or when the state registrar has reasonable cause to question the validity or adequacy of the documentation, and if the deficiencies are not corrected, the registrar shall not accept the delayed birth registration but shall advise the applicant of its deficiencies and request that further documentation be submitted.

J. Dismissal after One Year

Applications for delayed registration which have not been completed within one year from the date of application may be dismissed at the discretion of the state registrar. Upon dismissal, the registrar shall so advise the applicant and all documents submitted in support of such registration shall be returned to the applicant.

6. Legal Change of Status

When evidence is presented reflecting a legal change of status by adoption, legitimation, paternity determination, or acknowledgment of paternity, a new delayed birth registration may be established to reflect such change.

The existing delayed registration form and the evidence upon which the new registration was based shall be placed in a special file. Such file shall not be subject to inspection except upon order of a court of competent jurisdiction or by the state registrar for purposes of properly administering the vital statistics program.

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