



## Procedures Document for Accessing Vital Records and Genealogical Research in Maine

Maine's vital records (birth, death and marriage) are housed at the Department of Health and Human Services (DHHS), Maine Center for Disease Control and Prevention (Maine CDC), Data, Research, and Vital Statistics (DRVS) and most all municipal offices statewide.

- ✓ 22 MRS §2706 and the Department 10-146 CMR chapter 4 rules specify the general provisions regarding access to and disclosure of vital records.
- ✓ All records from January 1, 1892 to the present are administered by the DRVS whether they are housed in a state agency or in a municipal office.
- ✓ Genealogists who obtain a DRVS Researcher Identification Card may request noncertified copies of birth, death or marriage records for genealogical research.

This procedure document as well as an eligibility matrix has been developed as a result of previous statute and rule changes and may be utilized by municipalities to assist in addressing any issues that arise pertaining to access to and disclosure of vital records.

Vital records are not considered public records under the Freedom of Information Access laws. The following procedures must be adhered to by municipalities in order to eliminate inconsistencies and ensure compliance with the law regarding access to vital records.

### **Vital Records are categorized in the following areas:**

1. Certificates and records of birth, marriage and death, including fetal death, created ***prior to January 1, 1892*** are open to the public without restriction. All persons may purchase a copy on municipal letterhead or a noncertified copy of a vital record created prior to 1892 as specified in 22 MRS §2706(7). "Hands on" access or inspection of original, paper-based records or indexes shall not be permitted if there is an alternative method that may be used as specified in Section 2(C) Subsection 1 of 10-146 CMR chapter 4 rules.
2. ***Legacy records*** means any written, printed, digital or electronic data compilation from ***non-restricted*** vital statistics data, reports and records as specified in 22 MRS §2706(7), public records.

Births	Deaths	Fetal Deaths	Marriage	Marriage Intentions	Domestic Partnerships
After 75 years	After 25 years	After 50 years	After 50 years	After 50 years	After 50 years

A ***non-certified copy*** (as defined in Section 1(24) of 10-146 CMR chapter 4 rules) shall be released to applicants who present a completed and signed application or written request, identification and payment of a fee after the number of years indicated in the chart above have passed.

A ***certified copy*** (as defined in Section 1(8) of 10-146 CMR chapter 4 rules) shall be released to applicants who present a completed and signed application or written request, identification and payment of a fee after the

number of years indicated in the chart above have passed. In addition, applicants requesting a certified copy must also **demonstrate a direct and legitimate interest (see pamphlet)** in the data, reports and vital records.

3. **Restricted** vital statistics data, reports and records (as defined in Section 1(29) of 10-146 CMR chapter 4 rules) are not public records.

Births	Deaths	Fetal Deaths	Marriage	Marriage Intentions	Domestic Partnerships	Abortions	Miscarriages
Before 75 years	Before 25 years	Before 50 years	Before 50 years	Before 50 years	Before 50 years	N/A	N/A

A **non-certified or certified copy** of a vital record requested before the number of years indicated in the chart above shall be released to applicants who present a completed and signed application or written request, identification and payment of a fee. In addition, applicants must also **demonstrate a direct and legitimate interest (see pamphlet)** in the data, reports and vital records.

### **Annual Town Reports**

As specified in 22 MRS §2706(4) it is unlawful for any employee of the State or of any municipality in the State to disclose data contained in such records, except a municipality may cause to be printed in the annual town report the births reported within the year covered by the report, by number of births and location by city or town where birth occurred, deaths reported within the year covered by the report, by date of death, name, age and location by city or town where death occurred, and marriages reported within the year covered by the report by names of parties and date of marriage. All other details of birth, marriage, divorce or death may not be available to the general public.

### **Recommend Phone Policy**

Municipal clerks are responsible for maintaining all birth, death, fetal death and marriage records received for filing. These records are considered to be in the custody of the state registrar and are subject to the same requirements regarding *disclosure* as are records in the possession of the state registrar as specified in Department's rule by 10-146 CMR Ch. 11.

DRVS highly encourages municipal clerks to adopt a policy within their municipality not to disclose any vital statistics data or information to any individual or organization verbally over the phone. The policy should reference the language in MRS 22 §2706 and include the following scenarios:

- ✓ Individuals requesting data or information contained in the annual town report should be referred to the municipality's web-site or a *printed* version of the annual report.
- ✓ Individuals requesting data or information from a public vital record should be encouraged to complete an application to obtain a non-certified copy of the vital record in question.
- ✓ Researchers engaged in genealogical research who hold a valid researcher identification card should be encouraged to complete an application to obtain a non-certified copy of the vital record in question.
- ✓ Municipal clerks may use their own discretion if or when verifying a vital record is filed within their municipality.

A municipal clerk must not disclose personally identifiable information contained in vital records, or issue a copy of all or part of any such record unless the applicant is authorized to obtain such record for a proper purpose or is authorized to obtain such data.

4. **Genealogical researchers** who hold a valid genealogical researcher identification card (as defined in Section 1(15) and 1(16) of 10-146 CMR chapter 4 rules) are entitled to receive non-certified copies of vital records as specified in 22 MRS §2706(8). Registered genealogist may request up to three (3) records per week at no cost and will be provided a username and password to access *Maine's Death and Marriage Index Portal* located on DRVS website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml>. Information on how to obtain a genealogical researcher card, code of ethics and paper-based researcher request forms are also provided on the website.

Genealogical researchers who request a ***certified copy*** must present a completed and signed application or written request, identification and payment as well as ***demonstrate a direct and legitimate interest (see pamphlet)*** in the data, reports and vital records.

***Records prior to 1820*** do not reside in Maine, they reside in Massachusetts. Genealogical researchers looking for these records must contact the State in which the records are housed and comply with that State's laws, rules and policies regarding accessing vital records. If a municipality houses records prior to 1820 non-certified informational copies may be issued.

### **Hours of Operation**

Municipalities may want to specify specific hours during which genealogists may be physically present at the office to request records and the number of requests permitted per visit (e.g. two requests may be made at the counter; additional requests must be submitted in writing and include the appropriate payment; which may be submitted in person or by mail.)

Procedure suggestions from Maine Town and City Clerk's Association (MTCCA) regarding research during elections are as follows:

There may be no genealogical research two (2) weeks prior to any election (at the discretion of the municipality).

This is a sample notice for posting of genealogical research hours:

The municipality of \_\_\_\_\_ will not permit genealogical research during the following:

- \_\_\_\_\_ specific times (e.g. lunch)  
\_\_\_\_\_ days of the week (e.g. if office is open but not to the public)
- \_\_\_\_\_ days prior to elections.

### **Resources for Genealogical Research**

Maine State Archives website at <http://www.maine.gov/sos/arc/research/>

Maine State Library website at <http://www.maine.gov/msl>

Local municipal libraries and historical societies – please see local municipal websites for links; most libraries have subscriptions to Ancestry.com as well as many other resources.

Latter Day Saints and Family Research Centers website located at [http://www.familysearch.org/eng/library/fhc/frameset\\_fhc.asp](http://www.familysearch.org/eng/library/fhc/frameset_fhc.asp)

Maine Genealogical Society website located at <http://www.rootsweb.ancestry.com>