CHAPTER 701

GENERAL PROVISIONS

§2701. Duties of department

The Department of Health and Human Services shall establish the Office of Data, Research and Vital Statistics, which shall maintain a statewide system for the registration of vital statistics. [PL 2009, c. 601, §3 (AMD).]

1. Registrar. The Commissioner of Health and Human Services shall appoint a State Registrar of Vital Statistics, referred to in this chapter as the "state registrar," who must be qualified in accordance with the standards of education and experience prescribed by the Bureau of Human Resources.
[PL 2001, c. 574, §17 (AMD); PL 2003, c. 689, Pt. B, §7 (REV).]

2. Supervision. The state registrar has charge of the statewide system for the registration of vital statistics and is custodian of its files and records. The state registrar:

A. Shall preserve all certificates, records and other reports returned to the state registrar under this Title; [PL 1995, c. 694, Pt. D, §29 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

B. Has general supervision of this Title and rules of the department relating to the registration of vital statistics; [PL 1995, c. 694, Pt. D, §29 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

C. Has general supervision of Title 19-A, chapter 23; [PL 1995, c. 694, Pt. D, §29 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

D. Shall direct, supervise and control the activities of all persons engaged in the operation of the system of vital statistics; [PL 1995, c. 594, Pt. D, §29 (NEW); PL 1995, c. 594, Pt. E, §2 (AFF).]

E. Shall conduct training programs to promote uniformity of policy and procedures throughout the State in matters pertaining to the system of vital statistics; and [PL 1995, c. 694, Pt. D, §29 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

F. Shall monitor the accuracy, completeness and validity of all information returned to the state registrar under this Title and Title 19-A, chapter 23. [PL 1995, c. 694, Pt. D, §29 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

[PL 2001, c. 574, §18 (AMD).]

3. Forms and reports. The state registrar shall prescribe and furnish forms and issue instructions necessary to the administration of the vital statistics system or prescribe other means of transmission of data that accomplishes the purpose of complete and accurate reporting and registration. The state registrar shall prepare and publish annual reports of vital statistics and such other reports as are requested by the department.
[PL 1995, c. 260, §1 (AMD).]

4. Uniformity. The forms of certificates, records and other reports required by the laws governing the registration of vital statistics shall be designed with due consideration for national uniformity in vital statistics and record service.

5. Deputy State Registrar. The state registrar may designate an employee of the Office of Data, Research and Vital Statistics to represent the Office of Data, Research and Vital Statistics. The representative is known as the Deputy State Registrar of Vital Statistics and has the authority of the state registrar in the state registrar's absence.
[PL 2009, c. 601, §4 (AMD).]

6. Facsimile signature. The state registrar may use a facsimile signature for purposes of making certifications. The facsimile signature and seal of the state registrar on a certification shall have the same force and effect as his holographic signature.
[PL 1967, c. 186, §1 (NEW).]

7. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "File" means the presentation and acceptance of a vital record or report for registration by the Office of Data, Research and Vital Statistics or a municipal clerk as specified in departmental rule. [PL 2009, c. 601, §5 (AMD).]

B. "Date of filing" means the date a vital record is accepted for registration by the Office of Data, Research and Vital Statistics or a municipal clerk. [PL 2009, c. 601, §5 (AMD).]
[PL 2009, c. 601, §5 (AMD).]

8. Paternity establishment. The state registrar shall offer voluntary paternity establishment services. The state registrar shall maintain and use a form for voluntary acknowledgment of paternity that meets minimum requirements for the form established by the federal Secretary of Health and Human Services.
[PL 1997, c. 537, §55 (NEW); PL 1997, c. 537, §62 (AFF).]

SECTION HISTORY

PL 1967, c. 186, §1 (AMD). PL 1975, c. 293, §4 (AMD). PL 1983, c. 669 (AMD). PL 1985, c. 785, §B89 (AMD). PL 1987, c. 268, §1 (AMD). PL 1995, c. 260, §§1,2 (AMD). PL 1995, c. 694, §D29 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 537, §55 (AMD). PL 1997, c. 537, §62 (AFF). PL 2001, c. 574, §§16-20 (AMD). PL 2003, c. 689, §§B6,7 (REV). PL 2009, c. 601, §§3-5 (AMD).

§2701-A. Contents of certificates and reports

1. Format. Each certificate, report or other document required by this section must be prepared in the format approved by the state registrar.
[PL 1995, c. 260, §3 (NEW).]

2. Filing date. All vital records must contain the date of filing.
[PL 1995, c. 260, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 260, §3 (NEW).

§2702. Duties of municipal clerks

The clerk of each municipality in this State shall keep a chronological record of all live births, marriages, deaths and fetal deaths reported to the municipal clerk under this Title. Such record must be kept as prescribed by the state registrar. [PL 2009, c. 601, §6 (AMD).]

1. Enforce law and rules. Each municipal clerk in this State shall enforce, so far as comes within the municipal clerk's jurisdiction, this Title and the rules of the department relating to the registration of vital statistics.
[PL 2009, c. 601, §6 (AMD).]

2. Transmittal of certificates to state registrar. Except as authorized by the state registrar, a record received in a municipal office must be transmitted by the clerk of the municipality to the state registrar within a reasonable period of time as specified by department rule and in the format specified by the state registrar.
[PL 1995, c. 260, §4 (RPR).]

3. Transmittal of certificates to other municipalities. Except as authorized by the state registrar or except if the birth is registered or will be registered on the electronic birth registration system implemented by the state registrar, when the parents of any child born are residents of any other municipality in this State, the clerk of the municipality where that live birth occurred shall transmit a copy of the certificate of the live birth to the clerk of the municipality where the parents reside. [PL 2011, c. 511, §2 (AMD).]

SECTION HISTORY

PL 1967, c. 186, §2 (AMD). PL 1975, c. 443 (AMD). PL 1985, c. 25 (AMD). PL 1989, c. 225, §5 (AMD). PL 1995, c. 260, §§4,5 (AMD). PL 2009, c. 601, §6 (AMD). PL 2011, c. 511, §2 (AMD).

§2702-A. Duties to furnish information

Any person having knowledge of the facts shall furnish such information as the individual may possess regarding any birth, death, spontaneous fetal death, abortion, marriage, divorce or annulment, upon demand of the state registrar. [PL 2009, c. 601, §7 (AMD).]

SECTION HISTORY

PL 1987, c. 268, §2 (NEW). PL 2009, c. 601, §7 (AMD).

§2702-B. Electronic transmittal of marriage certificates

The municipal clerk that issued a marriage license pursuant to Title 19-A, section 652, subsection 1 and the clerk of the municipality where the marriage occurred may issue certified copies of the marriage certificate electronically using the statewide system for the registration of vital statistics described under section 2701. [PL 2015, c. 104, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 104, §1 (NEW).

§2703. Birth in unincorporated place

When a birth occurs in an unincorporated place, it must be reported to a municipal clerk as specified by the state registrar and must be recorded, or registered in the electronic birth registration system, by the municipal clerk to whom the report is made. All such reports and records must be forwarded to the state registrar. [PL 2011, c. 511, §3 (AMD).]

SECTION HISTORY

PL 2009, c. 601, §8 (AMD). PL 2011, c. 511, §3 (AMD).

§2704. Registration of births and deaths at Togus

Certificates of live births, deaths and fetal deaths occurring at the federal facility known as Togus must be filed directly with the state registrar. The state registrar shall forward copies of all such certificates of live birth, death and fetal death to the clerk of the municipality where the parents of the child reside. [PL 2011, c. 511, §4 (AMD).]

SECTION HISTORY

PL 2001, c. 574, §21 (AMD). PL 2009, c. 601, §9 (AMD). PL 2011, c. 511, §4 (AMD).

§2705. Amendment of vital statistics records

Except as provided by this Title, a certificate or record filed under chapters 701 to 707 may be altered or amended only in accordance with such regulations as the department may adopt to protect the integrity of vital statistics records.

1. Amended certificate or record. A certificate or record that has been altered or amended after its filing must be marked "amended," and the date on which the certificate or record was amended and a summary description of the evidence submitted in support of the correction must be endorsed on the certificate or record or permanently attached to it. Any certified copies of certificates or records amended under this section must be marked "amended." Administrative correction of clerical errors within 90 days after the date of filing does not cause the certificate or record to be considered altered or amended.
[PL 2009, c. 601, §10 (AMD).]

2. Incomplete certificates. Incomplete certificates and records may be completed from a supplementary form within 90 days after the date of filing without being considered altered or amended.
[PL 2009, c. 601, §11 (AMD).]

3. Amendment by department. The department has the exclusive power to amend, alter or complete any certificate or record of birth, marriage, death or fetal death filed under chapters 701 to 707.

When a certificate or record of birth, marriage, death or fetal death has been altered, amended or completed by the department, the department shall transmit a corrected copy to the clerk of any municipality in which a certified copy or original certificate has been recorded under chapters 701 to 707.
[PL 1989, c. 818, §3 (AMD).]

4. Amendment by the Office of the Chief Medical Examiner. Completions or amendments to certificates of death in medical examiner cases, as defined in section 3025, must be as provided in section 2842, subsection 4.
[PL 1989, c. 818, §3 (AMD).]

5. Amendment following adoption or legitimation. Amendment of a certificate following adoption or legitimation is governed by section 2765, subsection 2-A.
[PL 1989, c. 818, §3 (AMD).]

6. Amendment of birth certificate of adult. Amendment of a birth certificate of a person 18 years of age or older born in this State for the purpose of identifying a biological parent who was not known or listed at the time of birth is governed by section 2767-A.
[PL 2017, c. 5, §1 (AMD).]

SECTION HISTORY

PL 1971, c. 413 (AMD). PL 1985, c. 437, §2 (AMD). PL 1985, c. 611, §1 (AMD). PL 1989, c. 818, §3 (AMD). PL 2003, c. 585, §1 (AMD). PL 2009, c. 601, §§10, 11 (AMD). PL 2017, c. 5, §1 (AMD).

§2706. Disclosure of vital records

Custodians of certificates and records of birth, marriage and death shall permit inspection of records, or issue certified or noncertified copies of certificates or records, or any parts thereof, when satisfied that the applicant has a direct and legitimate interest in the matter recorded, the decision of the state registrar or the clerk of a municipality being subject to review by the Superior Court, under the limitations of this section. [PL 2011, c. 58, §1 (AMD).]

1. Child not born of marriage.
[PL 2009, c. 601, §12 (RP).]

2. Statistical research. The state registrar may permit the use of data contained in vital records for purposes of statistical research. Such data may not be used in a manner that will identify any individual.
[PL 2009, c. 601, §12 (AMD).]

3. National statistics. The national agency responsible for compiling national vital statistics may be furnished such copies or data as it may require for national statistics. The State must be reimbursed for cost of furnishing such copies or data, and such data may not be used in a manner that will identify any individual, except as authorized by the state registrar.
[PL 2009, c. 601, §12 (AMD).]

4. Unlawful disclosure of data. It is unlawful for any employee of the State or of any municipality in the State to disclose data contained in such records, except as authorized in this section and except that a clerk of 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, except as specified in department rules.
[PL 2009, c. 601, §12 (AMD).]

5. Records disclosed. Certified or noncertified copies of vital records of a person must be made available at any reasonable time upon that person's request or the request of that person's spouse, registered domestic partner, descendant, parent or guardian, grandparent, sibling, stepparent, stepchild, aunt, uncle, niece, nephew, mother-in-law, father-in-law, personal representative or that person's duly designated attorney or agent or attorney for an agent designated by that person or by a court having jurisdiction over that person whether the request be made in person, by mail, by telephone or otherwise, if the state registrar is satisfied as to the identity of the requester and, if an attorney or agent, if the state registrar is satisfied as to the attorney's or agent's authority to act as that person's agent or attorney. If the agent or attorney has been appointed by a court of competent jurisdiction, or the attorney's or agent's appearance for the person is entered therein, the state registrar shall upon request so ascertain by telephone call to the register, clerk or recorder of the court, and this must be deemed sufficient justification to compel compliance with the request for the record. Certified or noncertified copies of the death certificate of a minor's parent must be made available at any reasonable time upon the request of that minor's living parent, as defined in Title 19-A, section 1832, subsection 13, if the requester's parental rights with respect to that minor have not been terminated and the state registrar is satisfied as to the identity of the requester. The state registrar shall, as soon as possible, designate persons in the Office of Data, Research and Vital Statistics who may act in the state registrar's absence or, in case of the state registrar's disqualification, to carry out the intent of this subsection. A record of birth, death, fetal death, marriage, divorce or domestic partner registration may be disclosed as necessary for the department to carry out its responsibilities.
[PL 2015, c. 393, §1 (AMD).]

6. Address Confidentiality Program. Access to vital records may be further restricted within the parties listed in subsection 5 according to procedures of the Address Confidentiality Program under Title 5, section 90-B.
[PL 2009, c. 601, §12 (NEW).]

7. Public records. After 75 years from the date of birth for birth certificates, after 50 years from the date of death for fetal death certificates, after 25 years from the date of death for death certificates, after 50 years from the date of marriage for marriage certificates and after 50 years from the registration of domestic partnerships, any person may obtain noncertified copies of these vital records in accordance with the department's rules. Certificates and records of birth, marriage and death, including fetal death, created prior to 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.
[PL 2011, c. 58, §1 (AMD).]

8. Genealogical research. Custodians of certificates and records of birth, marriage and death, including applications regarding notice of intentions to marry, shall permit inspection of records by and

issue noncertified copies to researchers engaged in genealogical research who hold researcher identification cards, as specified by rule adopted by the department. The department shall adopt rules to implement this subsection. Rules adopted by the department pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 511, §5 (AMD).]

SECTION HISTORY

PL 1973, c. 127 (AMD). PL 1973, c. 625, §120 (AMD). PL 1973, c. 681, §5 (AMD). PL 1997, c. 537, §56 (AMD). PL 1997, c. 537, §62 (AFF). PL 2001, c. 574, §22 (AMD). PL 2009, c. 601, §12 (AMD). PL 2011, c. 58, §1 (AMD). PL 2011, c. 511, §5 (AMD). PL 2015, c. 393, §1 (AMD).

§2706-A. Adoption contact files

1. File. The state registrar shall maintain files of the names and addresses of adopted persons and their adoptive and biological parents, who have registered under this section.
[PL 1979, c. 384 (NEW).]

2. Registration. This subsection governs participation in the adoption registry.

A. The following persons may register their names and addresses with the state registrar and request contact:

(1) A person who is 18 years of age or older and:

(a) Who was adopted;

(b) Whose adoption was annulled;

(c) Whose adoptive parents surrendered and released parental rights to that person or had their parental rights terminated; or

(d) Who was freed for adoption but was never subsequently adopted;

(2) An adoptive parent if:

(a) The adopted person is under 18 years of age;

(b) The adopted person is deceased; or

(c) The adopted person is at least 18 years of age and is determined by a court to be incapacitated; and

(3) The legal custodian or guardian of:

(a) A person whose adoption was annulled, who was surrendered and released by that person's adoptive parents or whose adoptive parents' parental rights were terminated;

(b) An adopted person under 18 years of age who:

(i) Has been removed from the custody or guardianship of that person's adoptive parents by order of a court; or

(ii) Was freed for adoption but was never subsequently adopted; or

(c) An adopted person who is at least 18 years of age and has been determined by a court to be incapacitated. [PL 1989, c. 818, §4 (RPR).]

B. The following persons may register their names and addresses with the state registrar and request contact with an adopted person or a person freed for adoption as specified in paragraph A:

(1) A biological parent of an adopted person or of a person freed for adoption but not subsequently adopted;

(2) The legal custodian or guardian of a person under 18 years of age whose full sibling or half-sibling is an adopted person or a person freed for adoption;

(3) If a biological parent of an adopted person or a person freed for adoption is deceased, a biological mother, legal father, grandparent, sibling, half-sibling, aunt, uncle or first cousin of the deceased biological parent; and

(4) A biological sibling or half-sibling, who is at least 18 years of age, of an adopted person or a person freed for adoption. [PL 1989, c. 818, §4 (RPR).]

C. At the time of registration, each registrant shall indicate with which of the persons specified in paragraphs A and B contact is desired. [PL 1989, c. 818, §4 (RPR).]

D. A registrant may withdraw from the adoption registry at any time by submitting a written request to the state registrar. [PL 1989, c. 818, §4 (NEW).]

E. When an adopted person reaches 18 years of age and has not been determined by a court to be incapacitated, the state registrar, after mailing notice to the registrant, shall delete from the adoption registry any prior registration under paragraph A, subparagraph (2), division (a), or subparagraph (3), division (b). [PL 1989, c. 818, §4 (NEW).]

[PL 1989, c. 818, §4 (RPR).]

3. Certification of identity and relationship. The state registrar shall require each person registering or requesting contact to provide certification of the registrant's identity and relationship to the person with whom contact is desired and any additional information that is necessary to ensure accurate identification of the registrant and assist in identifying the other party.

[PL 1989, c. 818, §5 (RPR).]

3-A. Providing information about available counseling. The state registrar shall provide information about sources of counseling to any person registering or requesting contact.

[PL 1989, c. 818, §6 (NEW).]

4. Reviewing departmental files. The state registrar may review both public and confidential departmental files to assist in identifying or verifying the identification of the other party. If both parties have registered, he may release those names and addresses even if the relationship was identified or verified by the use of confidential departmental files. He may charge a fee for the assistance which shall reasonably reflect the cost of providing it.

[PL 1979, c. 384 (NEW).]

5. Request for contact. When the state registrar has requests for contact from a person specified in subsection 2, paragraph A, and a person specified in subsection 2, paragraph B, that are related to the same adoption and both persons indicated at the time of registration that contact with the other person was desired, the state registrar shall notify each party of the name and address of the other party and of sources of counseling. If a biological parent, an adoptive parent or an adopted person registered under this section has made a request for contact and the party being sought died in the State, the state registrar shall disclose to the requesting party the fact that the biological parent, adoptive parent or the adopted person has died.

[PL 1989, c. 818, §7 (AMD).]

6. Confidentiality. Except as provided in subsection 5, the files established under this section shall be confidential and not open to public inspection.

[PL 1979, c. 384 (NEW).]

7. Public information. The state registrar shall, by appropriate means, make known to the public the existence of the adoption contact files, the assistance the department may offer and the purposes of those files.

[PL 1979, c. 384 (NEW).]

SECTION HISTORY

PL 1979, c. 384 (NEW). PL 1985, c. 673 (AMD). PL 1989, c. 818, §§4-7 (AMD).

§2707. Evidentiary character of vital records

Any certificate or record of any live birth, marriage, death or fetal death filed under this Title, or a copy thereof duly certified by its official custodian, shall be prima facie evidence of the fact of such birth, marriage, death or fetal death, if not "amended" or "delayed." The probative value of "amended" or "delayed" records shall be determined by the judicial or administrative body or official before whom the certificate is offered in evidence.

§2708. Penalties

1. Intentional or knowing falsification. A person who intentionally or knowingly falsifies, provides false information, makes or alters any certificate or certified copy except as provided for in this Title commits a Class E crime.
[PL 2003, c. 452, Pt. K, §21 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Knowing possession, use. A person who knowingly possesses and uses a false or altered certificate or certified copy or knowingly possesses and uses as that person's own a certificate or certified copy pertaining to another person commits a Class E crime.
[PL 2003, c. 452, Pt. K, §22 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-B. Hindering state registrar investigation. A person who knowingly refuses to permit the state registrar to inspect vital records or hinders an investigation conducted by the state registrar pursuant to section 2709 commits a Class E crime.
[PL 2009, c. 601, §13 (NEW).]

2. General. A person may not:

A. Refuse to provide information required by this Title, violate a provision of this Title having to do with the registration of vital statistics or neglect or refuse to perform a duty imposed upon that person by this Title having to do with the registration of vital statistics. Violation of this paragraph is a Class E crime; or [PL 2003, c. 452, Pt. K, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Violate paragraph A after having been previously convicted of violating this subsection. Violation of this paragraph is a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. [PL 2003, c. 452, Pt. K, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2003, c. 452, Pt. K, §23 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Disposition of dead body without permit. A person may not:

A. Knowingly transport or accept for transportation, interment or other disposition a dead body without an accompanying permit issued in accordance with this Title. Violation of this paragraph is a Class E crime; or [PL 2003, c. 452, Pt. K, §24 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Violate paragraph A after having been previously convicted of violating this subsection. Violation of this paragraph is a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. [PL 2003, c. 452, Pt. K, §24 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. K, §24 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1987, c. 382 (AMD). PL 2003, c. 452, §§K21-24 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 601, §13 (AMD).

§2709. Duty of state registrar when law violated

When the state registrar believes that, in any place in this State, the certificates or records of live births, marriages, deaths or fetal deaths are not made or kept as is provided by law, or that any person neglects or fails to perform any duty required in the law relating to the registration of vital statistics, the state registrar may visit such places and make such investigations as the state registrar considers necessary, and all records, blanks and papers of municipal clerks relating to live births, marriages, deaths or fetal deaths must be open to the state registrar's examination. [PL 2009, c. 601, §14 (AMD).]

SECTION HISTORY

PL 1973, c. 567, §20 (AMD). PL 2009, c. 601, §14 (AMD).

§2710. Domestic partner registry

1. Registry. The Office of Data, Research and Vital Statistics within the department, referred to in this section as "the registry," shall establish a domestic partner registry.
[PL 2009, c. 601, §15 (AMD).]

2. Registered domestic partners; eligibility. Domestic partners may become registered domestic partners if:

A. At the time when a declaration under subsection 3 is filed, each domestic partner is a mentally competent adult and not impaired or related in a fashion that would prohibit marriage under Title 19-A, section 701, subsection 2, 3 or 4; [PL 2003, c. 672, §17 (NEW).]

B. The domestic partners have been legally domiciled together in this State for at least 12 months preceding the filing; [PL 2003, c. 672, §17 (NEW).]

C. Neither domestic partner is married or in a registered domestic partnership with another person; and [PL 2003, c. 672, §17 (NEW).]

D. Each domestic partner is the sole domestic partner of the other and expects to remain so. [PL 2003, c. 672, §17 (NEW).]

As used in this section, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.
[PL 2003, c. 672, §17 (NEW).]

3. Registration. To become registered domestic partners, domestic partners must jointly file with the registry a declaration under oath of domestic partnership together with the required filing fee. The registry shall file the declaration in the domestic partner registry established pursuant to subsection 1 and return 2 copies of the declaration to the domestic partners at the address provided as their common residence. The registry must charge a fee for registration that is adequate to pay the projected costs for managing the registry.
[PL 2003, c. 672, §17 (NEW).]

4. Termination. A registered domestic partnership is terminated by the marriage of either registered domestic partner or by the filing with the registry of:

A. A notice under oath signed by both registered domestic partners before a notary that the registered domestic partners consent to the termination; or [PL 2003, c. 672, §17 (NEW).]

B. A notice under oath from either registered domestic partner that the other registered domestic partner was served in hand with a notice of intent to terminate the partnership. If service in hand is not feasible, then substitute service may be accomplished in the same fashion as provided by the

Maine Rules of Civil Procedure for commencement of a civil action. Termination under this paragraph is not effective until 60 days after service is complete. [PL 2003, c. 672, §17 (NEW).]
[PL 2003, c. 672, §17 (NEW).]

5. Indemnity. If a 3rd party in reliance on the existence of a registered domestic partnership suffers loss because of a failure to receive adequate notice of termination under subsection 4, each registered domestic partner responsible for the failure to give notice is liable to pay the loss.
[PL 2003, c. 672, §17 (NEW).]

6. Forms. The registry shall develop standard forms for the declaration and termination of registered domestic partnerships.

A. The declaration must adequately identify each individual signing the form by name, including former names, residence and date and place of birth. [PL 2003, c. 672, §17 (NEW).]

B. The declaration must contain an assertion under oath that each individual meets the requirements of subsection 2 at the time the declaration is filed. [PL 2003, c. 672, §17 (NEW).]

C. The declaration must contain a warning that registration may affect property and inheritance rights, that registration is not a substitute for a will, a deed or a partnership agreement and that any rights conferred by registration may be completely superseded by a will, a deed or other instruments that may be executed by either party. The declaration must also contain instructions on how the partnership may be terminated. [PL 2003, c. 672, §17 (NEW).]
[PL 2003, c. 672, §17 (NEW).]

SECTION HISTORY

PL 2003, c. 672, §17 (NEW). PL 2009, c. 601, §15 (AMD).

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