



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, Office of Data, Research and Vital Statistics (ODRVS) and at the municipal offices statewide. Per M.R.S.A. Title 22, Subtitle 2, Part 6, all records from January 1, 1892, to the present are regulated by the Office of Data, Research and Vital Statistics, whether they are housed in the State agency office or in a municipal office. Access to records is regulated by Title 22, §2706 and the Department of Health and Human Services Rules, 10-146 CMR Chapters 4 and 8. Individual access to vital records is clearly stated in Title 22, §2706 sub 5 and in the DHHS Rules, Chapter 8, which restricts who may request which records; however, access to vital records by genealogists is specifically addressed in Title 22, §2706 sub 8. Genealogists who obtain an ODRVS Researcher Identification Card may request any birth, death or marriage record for genealogical research as specified in the Eligibility Matrix.

This procedure document is developed as a result of Legislative changes and to be utilized by municipalities in order to assist in addressing issues that may arise regarding researching and accessing records. This procedure document is derived from statute, rules and current procedures at ODRVS and municipal offices.

As is the case with employee personnel records, poverty abatement records, ballots, employee drug tests, health records of local government employees, investigative case files, and automobile registrations; these documents and vital records are not public records under Freedom of Information Access laws. Therefore, the following procedures must be adopted 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. Completely Open records – these are the records a municipality houses that have an occurrence date prior to January 1, 1892; “hands on” access is at the discretion of the municipal clerk based upon the condition of the records.
2. Open records – the following records are “open” once the number of years has passed since the date of occurrence – Births 75 years; Marriages 50 years; Deaths 25 years and Fetal Deaths 50 years. No identification or documentation is required in order to purchase a non-certified copy of a birth, death or marriage record. Certified copies of these birth, death or marriage records require identification and documentation in order to be purchased.

3. Closed records – the following records are “closed” until the number of years has passed since the date of occurrence to classify them as open – Births less than 75 years; Marriages less than 50 years; Deaths less than 25 years and Fetal Deaths less than 50 years. Identification and documentation is required in order to purchase a certified or non-certified copy of a birth, death or marriage record.

All requestors must meet the following requirements to access records:

- Minimum requirements for a request to inspect vital records are outlined in CMR 10-146 Chapter 4, Section 4 Procedures for Inspection and Copying of Individual Vital Records.
- Researchers must make a written application to either ODRVS or a municipal office to request a copy of a birth, death or marriage record. The application must contain the *first and last name of the individual on the record and the date of event* (minimally the year of event) in order for a record to be located. The fee for the search for the record must be submitted at the time of the request. Fees for certified copies of records are specified in statute for municipal clerks and DHHS as specified in CMR 10-146 Chapter 4 Rules for Public Access to Vital Records

Additional Requirements for Genealogical Research

- All genealogist requests must include presentation of or a photocopy of the ODRVS Researcher Identification Card (unless an individual is researching direct lineage e.g. grand parents, great grandparents etc. No other family records are accessible without the ODRVS Researcher Identification Card.) This card affords access to the genealogist of all legal, non-confidential copies of birth, death and marriage that are not “open” by statute. Original records of adoption or legitimations cannot be issued or disclosed to anyone by a municipal clerk no matter what documents are presented. The original records for these events can only be accessed via ODRVS.
- If an ODRVS Researcher Identification Card is not presented, access to copies of records is restricted to those specified in Title 22 M.R.S.A. 2706 (5) as presented in the Eligibility Matrix that is attached to this procedure document and can be found at ODRVS’ website at <http://www.maine.gov/dhhs/boh/phs/odrvs/vital-records/vrfaq.html>.
- Vital Records from 1892 to the present, there shall be no “hands on” access or perusal of vital records by the public or genealogists due to record preservation and confidentiality of records. There have been incidents when this type of access was granted and consequently information on the vital records was changed and/or

confidential information such as adoptions and legitimations was disclosed. Municipal records are recorded in a variety of ways, but the older records typically

were entered in books that contain confidential information. Research by genealogists for names and dates of events must occur outside of the municipal offices or the State office when genealogists do not have the minimum required information necessary for a municipal clerk or State staff to locate a particular record.

Procedure suggestions from Maine Town and City Clerk's Association 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.

Procedures for accessing of vital records:

1. A person who desires to access closed vital records must apply for and receive a Researcher Identification Card from the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Office of Data, Research and Vital Statistics. This can be found at this website address:
<http://www.maine.gov/dhhs/boh/phs/odrvs/vital-records/index.shtml>
2. Researchers shall request records by completing an application form as specified in the second bullet.
3. Researchers shall be served in the order in which they apply.
4. Municipal office and ODRVS staff will furnish researchers with a copy of the requested record or the record index, if available.
5. If copies of any records are desired, certified or non-certified copies will be provided at the current fee for that service.
6. 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.)

Resources for genealogical research:

Maine State Archives – web page and links:

<http://www.maine.gov/sos/arc>

<http://www.maine.gov/sos/arc/research/index.html>

<http://www.maine.gov/sos/arc/mhrab/repos/rpage001.htm>

Maine State Library webpage and links:

<http://www.maine.gov/msl>

Local municipal libraries – please see local municipal web pages for links; most libraries have subscriptions to Ancestry.com as well as many other resources.

Local historical societies- please see local municipal web pages for links.

Picton Press publications of municipal vital records – please contact municipality for availability.

Latter Day Saints – Family Research Centers –

http://www.familysearch.org/eng/library/fhc/frameset_fhc.asp

Maine Genealogical Society –

<http://www.rootsweb.ancestry.com/~megs>

NOTE 1: Section 5 of CMR Chapter 4 – Procedures for Inspection of a Group of Vital Records.

- Access to a group of vital records for inspection or search will be made available to the public as follows:
 - a. If the desired records are available on microfilm files at the Maine State Archives Research Room, persons desiring to inspect them will be directed to use the Archives file. *Records not on file at Maine State Archives microfilm are birth records from 1892 -1955 that were classified as born out of wedlock.*

NOTE 2: The State does not regulate records prior to 1892; however, it is recommended that this access to records procedure document be applied to all vital records housed by the municipality. Records from 1820 - 1892 should be issued as a non-certified copy or for a legal copy on letterhead. Title 22 M.R.S.A. §2706 sub 7. *“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”*; as referenced in the Eligibility Matrix.

NOTE 3: Records prior to 1820 do not reside in Maine, they reside in Massachusetts. 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.

