

Old Broad Bay Family History Association Newsletter

New Series Volume 7 No. 2 Spring 2010

The Old Broad Bay Family History Association, P.O. Box 1242, Waldoboro, ME 04572-1242
On the web at: www.rootsweb.com/~meobbfha/ Editorial comments & queries to obbeditor@earthlink.net

To Search and To Share

OBBFHA officers & directors

President
David Putnam

Vice President /
Secretary
Helen Shaw, CGSM

Treasurer
William Conary

Directors
Ruth Riopell
June Hussiere
Deidra Putnam

Newsletter editor
Helen Shaw, CGSM

Web Master
Fred Snell

Dues are due for 2010-2011

Dues are due! The last page of the newsletter has the renewal form. Please cut it out, print it out, or make a copy and send it with your check to treasurer Bill Conary before July 1st. The membership year is July 1 to June 30. Thank you for your prompt attention to this.

Waldoboro Day June 19

This year's Waldoboro Day celebration will be held on Saturday, June 19. The day starts with a 5K race at 8:30 a.m. Games for children start at 10:00. There will be a parade through downtown at 10:00 as well. Booths for food, crafts, and local organizations will line downtown streets. In the afternoon there will be a Little League Championship game. Live music and fireworks will be the evening events.

Board of directors to meet

The OBBFHA board of directors will hold a business meeting in the conference room of the Waldoboro Public Library (958 Main St.) at 9:00 a.m. on Saturday, June 19. Members may attend. There is plenty of parking

in the library lot.

Lincoln County 250th anniversary

This year commemorates the 250th anniversary of Lincoln County which will be celebrated in several towns throughout the county on June 19th. My first thought on this auspicious occasion was to cross reference previous newsletter articles about the county, but since I have come up short on filling this newsletter and six years have passed, I decided instead to reprint an article from the Spring 2004 newsletter. Those who may object to reprinting an article can prevent a future occurrence by submitting material for publication in the newsletter.

The evolution of Lincoln County: What we now call Lincoln County, Maine began its life as part of York(shire) County in the Commonwealth of Massachusetts. In June 1760 York County was divided into three counties: Lincoln, Cumberland, and York. In 1820 the state of Maine entered the union as the 23rd state. The county seat for Lincoln County is Wiscasset (formerly Pownalborough).

While most of the early records are kept in the town and county, many records pertaining to Lincoln County (and Maine in general) prior to 1820 exist in the Massachusetts State Archives. Over the years, Lincoln County has given up many of its towns to the formation of new counties and has gained a few towns as well. Genealogists need to know in which county their town of interest was located at the time of interest in order to track court, probate, and land records.

Information for this essay came from *Counties, Cities, Towns and Plantations of Maine: A Handbook of Incorporations, Dissolutions and Boundary Changes*, published by the Maine State Archives, Augusta, 1940. Persons wanting additional information on individual Lincoln County towns and plantations as well as on other Maine counties should seek out this book.

The first division of Lincoln County occurred in June 1789 when Washington and Hancock counties were formed. Washington County took Machias, the only town within the new boundaries, as its county seat. Hancock County took Belfast, Penobscot, Orrington, Sedgwick, Isleborough, Bluehill, Deer Isle, Trenton, Gouldsborough, Sullivan, Mount Desert, Vinalhaven, and Frankfort. Hancock also took the town of Camden, but that town and two half-townships were returned to Lincoln County in March 1791. In March 1843 Matinicus Island was annexed from Hancock County to Lincoln County and in April 1852 the county gained the islands of Hacketosh, Wooden Ball, Normansland, Two Bush, Ten Pound, and Matinicus Rock from Hancock County.

In February 1799, Kennebec County was formed. The records are not clear on precisely which towns were taken from Lincoln County for the new county. The following is at least a partial list: Pittston, Greene, Harlem (formerly Jones Plantation), and Monmouth (formerly West Plantation). The town of Litchfield was split between Lincoln and Kennebec counties and was fully annexed into Lincoln County in February 1811. However, in March 1835, Litchfield again became part of Kennebec County. Whitefield and Malta were likewise split and when they were incorporated in 1809, Malta went to Kennebec County and Whitefield went to Lincoln County. In March 1840, the town of Wales also became part of Kennebec County. Part of one lot in Greene became part of Lewiston in Lincoln County, in April 1852.

Waldo County was formed in July 1827 taking the Lincoln County towns of Camden (including Rockport), Hope, Liberty, Montville, Palermo, and Appleton Plantation. In 1836 a tiny portion of Warren was annexed to Camden in Waldo County and in April 1854 a tiny portion of the town of Palermo was annexed to the town of Washington in Lincoln County.

In March 1854 the towns of Lewiston, Lisbon, and Webster were taken as part of the new county of Androscoggin. At this same time, the former Lincoln County towns of Greene and Wales in Kennebec County also became part of Androscoggin County.

In April 1854 the city of Bath and the towns of Arrowsic, Bowdoin, Bowdoinham, Georgetown, Perkins, Phippsburg, Richmond, Topsham, West Bath, and Woolwich were taken into the new county of Sagadahoc.

The last division of Lincoln County was in April 1860 when Knox County was formed from

Lincoln and Waldo counties. Lincoln County lost the city of Rockland and the towns of Cushing, Friendship, St. George, South Thomaston, Thomaston, Union, Warren, and Washington, and the plantations of Matinicus and Muscle Ridge. Former Lincoln County towns (in Waldo County) which also were placed in Knox County were Appleton, Camden/Rockport, Hope, and Vinalhaven. The latter town had been annexed from Hancock County in March 1838.

The current boundaries of Lincoln County encompass the towns of Alna, Boothbay, Boothbay Harbor, Bremen, Bristol, Damariscotta, Dresden, Edgecomb, Jefferson, Newcastle, Nobleborough, South Bristol, Southport, Waldoboro, Westport, Whitefield, Wiscasset, the plantations of Monhegan and Somerville (formerly Patrick Plantation), and tracts of wild lands known as Hibbert s Gore, Muscongus Island, Bar Island, Indian Island, and Marsh Island.

The following is a summary of Lincoln County s offspring and their county seats:

Androscoggin (Auburn) 1854
Hancock (Ellsworth) 1789
Kennebec (Augusta) 1799
Knox (Rockland) 1860
Sagadahoc (Bath) 1854
Waldo (Belfast) 1827
Washington (Machias) 1789

1815 Robinson Map

We have received word from Rebecca Wotton, Registrar of Deeds for Lincoln County, that the Lincoln County Commissioners voted on March 16 to hire Browns River Records Preservation Services to do the conservation work on the 1815 Robinson map of Waldoboro. Old Broad Bay Family History Association will be presenting a check for \$400 to the county to help with the cost of the conservation.

Annual Membership Meeting

The annual membership meeting of OBBFHA will be held on Saturday, August 7th in the basement of the University of Maine Cooperative Extension, Knox and Lincoln Counties Office, 377 Manktown Road, Waldoboro. Doors will open at 9:00 a.m. Please bring a bag lunch. We will have use of the kitchen should you need to keep something cold or heat something up.

Our speaker this year will be Anette Ruppel-Rodrigues who will speak on When the Hessians came to Maine during the American Revolution Connecting Broad Bay-Waldoboro with the surrender at Saratoga and with German troops at Fort George (Castine). I list of the Hessians will be published i the Summer newsletter. There will be the usual lively exchange of information and research, as well as coffee and pastry. We hope to see you there.

In Memoriam

We regret to announce the passing of Old Broad Bay President Emeritus Randall Randy Irving Gross on 1 March at his home in Waldoboro. Randy was born 18 January 1954 in Damariscotta, the son of Percy and Alice (Hatch) Gross. He lived in Waldoboro his entire life, graduating from Medomak Valley High School in 1972.

Randy was predeceased by his parents, three brothers, Carroll C. Dawson, Roger P. Gross, and Carlton H. Gross, and by his sister Maxine B. Gross. He is survived by his brothers Alton W. Simmons, Jr. (wife Linda) of Bremen, Kenneth Simmons of Coventry, CT, Harold E. Dawson (wife Rebecca) of Bremen, and Lawrence M. Gross of Waldoboro. He is also survived by his sisters Rosemary Ashner of Waldoboro, Shirley A. Kelley of Rockland, and Juanita M. Gross of Waldoboro.

Private services were held for the family. Donations in Randy's memory may be made to the Waldoboro Historical Society, PO Box 110, Waldoboro, ME 04572 or to the Waldoboro Public Library, 958 Main St, Waldoboro, ME 04572.

To many Randy was the face of family history in Waldoboro. He was the consistent one. He was at the annual OBBFHA meeting every year; he was at the library every week. He was there while all the others came and went. Randy was the one who greeted people and offered to help. He made people feel welcome.

So it is fitting and proper that such a person should be honored. The Old Broad Bay Family History Association has made a donation of \$100 in Randy's name to the Waldoboro Public Library to be used to purchase genealogical material. That donation is honoring him for his importance to the OBBFHA and the library. The library is honoring all their volunteers on Saturday, April 17th. Randy was one of their volunteers, and they are dedicating a corner to him, to be called "Randy's Corner." The library is recognizing one of their own, and it is their place to do that. Randy found a home in the library, and it was a place where he felt that he could be useful. The community cared for Randy, and we saw them celebrate his life in 2008 when he was grand marshal in the parade on Waldoboro Day.

New OBBFHA board member

The death of Randy Gross left an opening on the OBBFHA board of directors. Our bylaws allow the president to select a replacement with approval by the board. The board unanimously approved the selection of Deidra Putnam.

LD 1781: Will it affect your research?

LD 1781: An Act to Allow Electronic Filing of Vital Records and Closing Records To Guard Against Fraud and Make Other Changes to the Vital Records Laws. On March 31 LD 1781 was passed by the state legislature as amended. The Health and Human Services Committee was the committee of review for the bill and amended it per input from persons present at a March 3rd public

hearing in Augusta. However, this poorly named bill had no input from genealogists during the public hearing simply because no genealogist even knew the bill existed, much less that a public hearing was in the offing.

Some background: The bill came out of the governor's office as a special bill in mid-February. It apparently had its origins in the Maine Center for Disease Control which has jurisdiction over the Office of Vital Records. Phone calls to the Governor's office to find out why the bill was submitted went unanswered. Given the wording in the title (*and Closing Records to Guard Against Fraud*), one can only presume that someone believed fraud occurs because the public has access to vital records. This could not be further from the truth. Links to the Massachusetts Genealogical Council's extensively documented White Paper and the Association of Professional Genealogists' Position Paper on the issue were sent to members of the Health and Human Services Committee and many other legislators, as well as policy analysts and members of the governor's staff. The aforementioned wording also caused confusion given legislators' and policy analysts' insistence that LD 1781 opened vital records.

The APG position paper on *The Case for Open Public Records* (5 pages) is available at <http://www.apgen.org/publications/press/APG-KGROW.pdf>

The *Massachusetts Genealogical Council White Paper* (19 pages) is available at www.massgencouncil.org (look at the left of their home page for the link)

A request to have the bill reconsidered by the Health and Human Services Committee was ignored and attempts to have the Judiciary Committee weigh in on how the bill affected public access were not successful. Pam Eagleson, CGsm and Helen Shaw, CGsm of the Association of Professional Genealogists, in concert with Jan Meisels Allen of the International Association of Jewish Genealogical Societies, offered four changes for the bill via e-mail to members of the Health and Human Services Committee and the policy analyst revising the bill. These were ignored in favor of an amendment that potentially makes access even more difficult and costly for genealogists. Since March 3rd numerous genealogists have contacted their state legislators to let them know of problems they saw in the bill. All were ignored.

The CDC and legislators were convinced LD 1781 opens records to more people and if you read the original law regarding vital records access, that appears to be the case. However, the issue has been confused for many years, especially since 1974 when the state's attorney general issued an opinion that vital records were open records which basically meant anyone who asked could see them.

The opening paragraph of the law [Sec. 12. 22 MRSA 2706. Disclosure of vital records] states that *Custodians of certificates and records of birth, marriage and death **may** permit inspection of records, or issue certified copies of certificates or records, or any parts thereof, when satisfied that the applicant therefor 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.* [emphasis added]

The *direct and legitimate interest* wording is what has been used to allow genealogists and others access to vital records despite wording in paragraph 5 of MRSA 2706 which states access is only allowed to the person named on the vital record or his/her designated attorney or agent. LD 1781 adds spouse, registered domestic partner, descendants, and parents or guardians to the list of persons with unrestricted access. These additions, however, do not take into account the fact genealogists are

often collateral relatives of the persons whose vital records they seek. And we won't even get into the issue of historians, cemetery researchers, sociologists, anthropologists, geneticists, and land title researchers who have a legitimate interest in accessing vital records.

LD 1781 added a new paragraph to MRSA 2706: paragraph 7. *Public records.* which states *After 100 years from the date of birth for birth certificates, after 100 years from the date of death for fetal death certificates and death certificates, after 100 years from the date of marriage for marriage certificates and after 100 years from the registration of domestic partnerships, any person may obtain informational copies of these vital records in accordance with the department's rules.*

The questions genealogists raised with legislators were: What about vital records within that 100 year window which are already available on microfilm at the Maine State Archives and other repositories around the country? What about the on-line indexes to Maine vital records which are within the 100 year window? Will those records remain open to the public? No answers have been forthcoming though the policy analyst for the Judiciary Committee admitted that LD 1781 could be read as closing those records.

After concern about access by genealogists were raised by a non-genealogist at the public hearing, an amendment was prepared by the Health and Human Services Committee's policy analyst and was later accepted by the Committee as paragraph 8. *Genealogical research. Custodians of certificates and records of birth, marriage, and death may permit inspection of records by and issue noncertified genealogical copies to researchers who hold researcher identification cards who are engaged in genealogical research, as specified by rule adopted by the department. Rules adopted by the department pursuant to this subsection are routine rules as defined by Title 4, chapter 375, subchapter 2-A.*

This seems tame enough. However, an e-mail from the policy analyst for the Health and Human Services Committee which told of this amendment stated that the *researcher identification card* mentioned in the paragraph is the one that has been available from the Office of Vital Statistics since 1982 to allow on-sight inspection of vital records. It costs \$50 per year and you must go to Augusta to get it. The question is, will town clerks now require researchers to have this Office of Vital Records researcher identification card? We do not know and a recent e-mail from the state registrar states *The rules for access need to be updated to comply with the new law. Among the issues that will now need to be addressed are identification requirements to verify that the person requesting a copy of a record is who they say they are, whether they order by mail or in person.*

The Maine CDC will be forming a workgroup to determine how to implement the law by writing the rules for documenting who has a *direct and legitimate interest* in accessing vital records within the 100 year closure period. It is through this group that Pam and Helen hope to have the following changes incorporated into department policy: add collateral heirs as persons with unrestricted access and change the researcher identification card requirement to one of being a member of any recognized genealogical or lineage society. The availability of non-certified genealogical copies of vital records is allowed after 100 years by Paragraph 8, but we would like to see that option available for all time periods. If the rules for enforcing the new law do not include these suggestions and/or there are many reports of problems accessing records, there is a legislator who has told us he will submit a bill to make the changes during the next legislative session. [This assumes he is re-elected in November.]

So what will this new law mean for your research into Maine's vital records? We have been assured

by Maine CDC officials that nothing will change and that those vital records presently available at the Maine State Archives and other repositories will remain open and accessible. That said, genealogists need to keep track of instances where access is denied, currently available records are pulled off the shelf, or the Office of Vital Records researcher identification card is required for access. Please report all such occurrences to Helen Shaw at obbeditor@earthlink.net or to her at 77 Pascal Ave, Rockport ME 04856. Please give the date, location, repository, records sought, who denied access, and other details of the event.

LD 1781 goes into effect on Monday, July 12th, ninety days after the adjournment of the legislature on Monday, April 12th.

LD 1592 and LD 1648

The state legislature heard two other bills this session which affect vital records. One was signed into law and one was indefinitely postponed.

LD 1592 *An Act to Update the Laws Affecting the Maine Center for Disease Control and Prevention* was an omnibus bill that included a wide variety of issues, several of which affect vital records. It was signed into law by Governor Baldacci on April 1st and will go into effect on July 12th.

This bill increased the cost for a copy of a corrected record of birth, marriage, or death sold to the applicant from \$10 to \$15 for the first copy and from \$5 to \$6 for each additional copy. The same increase was made for issuing to the applicant an amended birth record where an affidavit legitimating the birth was submitted.

The cost to record a marriage intention and issuing a marriage license was increased from \$30 to \$40 except where the law requires two licenses in which case the fee increased from \$15 to \$20 each.

Of primary interest to genealogists is the change which could increase the cost of vital record copies at municipal offices. Clerks may now charge up to \$15 for the first copy and will charge \$6 for each additional copy of a birth, marriage, or death certificate.

LD 1648 *Resolve, To Repeal the Fee Increase for Copies of Vital Records* which would have changed the fee charged by the Office of Vital Records from \$60 back to \$15 was voted by the Senate (on motion by Senator Brannigan, co-chair of the HHS Committee) and by the House (on motion by Representative Perry, co-chair of the HHS Committee) to be indefinitely postponed. This effectively kills the bill. Fortunately, most genealogists in Maine know where to go to get these records at a lower cost.

Membership

The Old Broad Bay Family History Association is a group of people interested in studying and maintaining the history of the founding families, and in particular the founding German families, of what is now Waldoboro, Lincoln County, Maine.

There are three types of membership: individual, family, and library. An individual membership confers the right to one vote. A family membership confers the right to two votes. A library membership is solely for the purpose of allowing distribution of the newsletter to libraries and historical societies and confers no right to vote.

The membership year is July 1 to June 30. The newsletter is issued quarterly in January (Winter), April (Spring), July (Summer), and October (Fall).

Membership checks should be made out to OBBFHA and mailed, along with this form, to: William Conary, OBB Treasurer, 9 Hilltop Rd, Plaistow, NH 03865.

Old Broad Bay Family History Association Application for Membership

New Member _____ Renewal _____ Date _____

Name _____

Second member in the household: _____

Please attach a list of your Broad Bay Ancestors or write a list on the back of this form.

Address _____

City _____ State _____ Zip _____

Telephone _____ E-mail _____

How do you want to receive the newsletter?

Individual membership: e-mail (pdf format) \$10 _____ US mail \$15 _____

Family membership: e-mail (pdf format) \$15 _____ US mail \$20 _____

Research facilities (libraries, archives, historical societies, etc.): We welcome the placement of this newsletter in your collection. Please fill out this portion of the membership form. Once you are on our subscription list you will receive a renewal invoice by mail each year. **Subscription: \$15 per year.**

Name of research facility: _____

Address: _____

City _____ State _____ Zip _____

Contact person: _____