

# MAINE STATE LEGISLATURE

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ASSISTANT ATTORNEYS GENERAL  
COUNCIL FOR  
DEPARTMENT OF HUMAN SERVICES



REPLY TO:  
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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04330

March 26, 1976

Mr. Robert E. Switt  
175 Middle Road  
R.F.D. # 2  
Cumberland Center, Maine 04021

RE: Access to Vital Records of a Municipality

Dear Mr. Switt:

Title 22 of the Maine Revised States Annotated, Section 2706, prohibits general access by the public to vital records held by the clerk of a municipality. This section reads in part as follows:

"§2706. Disclosure of Vital Records.

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...

4. Unlawful disclosure of data. It shall be 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 deaths reported within the year covered by the said report, by date of death, name, age and location by city or town where death occurred. All other details of death shall not be available to the general public..."

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As you can see from the foregoing section, it is within the clerk's discretion to honor your request to inspect certain records in compiling your personal geneology. It is the clerk's decision as to whether you have a legitimate interest in having access to the records in question.

Very truly yours,

Thomas E. Geyer  
Assistant Attorney General

TEG:bjw