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*Birth Records Access
Municipalities Access to Birth Records
22 MARCH 29 1975 - 1
19 MARCH 534*

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

December 1, 1977

Honorable Gail H. Tarr
R.F.D. 1
Bridgton, Maine 04009

Re: Clarification of Vital Record Opinion

Dear Representative Tarr:

You have requested clarification of the recent opinion of this office regarding public access to birth records. Specifically you have asked about public access to the birth certificates of adopted children.

Title 22 M.R.S.A. § 2765(1) provides that when a child is adopted, a new birth certificate may be issued for the adopted child. Subsection 2 provides that when a new certificate is issued, it is substituted for the original and the original certificate "shall not be subject to inspection except upon order of a probate court or the Superior Court." Therefore, where a new birth certificate is issued, the original birth certificate is intended by statute to be confidential and fall within the confidentiality exception of the Freedom of Access Act. Title 1 M.R.S.A. § 402(3)(A).* The records of the adoption proceeding are also made confidential by Title 19 M.R.S.A. § 534.

I hope this answers your question. If you wish further clarification I will be glad to assist you.

Sincerely,
Kate Clark Flora
KATE CLARK FLORA
Assistant Attorney General

KCF:jg
cc: Honorable John L. Martin

* New birth certificates may also be issued when a child is legitimated. Here also, there is no question of access to the original in such a case since illegitimate's birth certificates are always confidential.