

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth  
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

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## Chapter 126

### AN ACT Relating to Marriage Licenses.

*Be it enacted by the People of the State of Maine, as follows:*

**Sec. 1. R. S., c. 72, § 5, amended.** Section 5 of chapter 72 of the revised statutes, as amended, is hereby further amended to read as follows:

**‘Sec. 5. Clerk to give certificate to parties, but not to paupers, nor to minors without written consent of parties. On and after the 5th day from the filing of notice of intentions of marriage, except as otherwise provided, the clerk shall deliver to the parties a certificate specifying the time when such intentions were entered with him; and it shall be delivered to the minister or magistrate before he begins to solemnize the marriage, which shall be performed in the presence of at least 2 witnesses besides the clergyman or magistrate officiating; but no such certificate shall be issued to a male under 21, or to a female under 18 years of age, without the written consent of their parents or guardians first presented, if they have any living; or to a male or female under 16 years of age without the written consent of their parents or guardians first presented, if they have any living, and without said clerk having notified in writing the judge of probate in the county in which they reside of the filing of such intentions, who may in the interest of public welfare, order that no such certificate shall issue, nor to a town pauper, when the overseers of such town deposit a list of their paupers with the clerk. Such certificate is void if not used within 1 year after the date of issuance. Whoever contracts a marriage or makes false representations to procure the certificate provided for above or the solemnization of marriage contrary to this chapter shall forfeit \$100. The clerk of any town or his deputy who intentionally violates the provisions of this section or falsely states the residence of either party named in the certificate above mentioned shall forfeit \$20 for each offense.’**

**Sec. 2. P. L., 1933, c. 1, § 62, amended.** Section 62 of chapter 1 of the public laws of 1933 is hereby repealed and the following is enacted in place thereof:

**‘Sec. 62. Copy of record of marriages, forwarded to town clerk. Every person authorized to unite persons in marriage shall make and keep a record of every marriage solemnized by him in conformity with the requisitions prescribed for blank records of marriages in section 60. That person shall forthwith, following each marriage solemnized by him, return each original certificate or certificates to the clerk who issued the same; and if the marriage was solemnized in a town other than the place or places where the parties to the marriage reside, return a copy of the certificate or**

of either certificate if 2 were issued, to the clerk of the town where the marriage was solemnized. Each certificate and copy so returned shall contain a statement giving the names of the parties united in marriage, place and date of the marriage, the signature of the person by whom the same was solemnized, and the names of the 2 witnesses. The person who solemnized the marriage shall add the title of the office by virtue of which marriage was solemnized, his residence, and the date of his commission. All certificates or copies so returned shall be recorded by the clerk receiving them.'

Sec. 3. P. L., 1933, c. 1, additional. Chapter 1 of the public laws of 1933 is hereby amended by adding thereto a new section to be numbered 62-A, and to read as follows :

'Sec. 62-A. Provisions relating to issuance of marriage licenses. Before issuing a marriage license to a person who resides and intends to continue to reside in another state, the town or city clerk shall satisfy himself by requiring affidavits or otherwise that such person is not prohibited to marry by the laws of the state where he or she resides.

Persons filing notice of intention to marry, one or both of whom have previously been married and divorced, shall file therewith a certificate or certified copy from the clerk of the court by which the divorce was granted, showing the title and location of the court and the names of the parties to the proceeding for divorce, and showing which party obtained the divorce, the cause therefor, and the date when the decree became absolute. If there has been more than one divorce, the said certificate or certified copy as to every such divorce shall accompany the notice of intention.

On or before the 15th day of each month every marriage of a nonresident occurring in Maine during the preceding month shall be reported to the city or town of their residence.

The license shall contain the information called for in the following form, so far as same is known to each person, one of whom shall subscribe to the truth of same in the presence of the clerk or one of his assistants, of that town or city in which they respectively reside.

State of Maine

### MARRIAGE LICENSE

The laws of Maine provide for a fine not exceeding one thousand dollars or imprisonment not exceeding five years to be the punishment of any clergyman, or other person, who shall solemnize a marriage within this State unless authorized to solemnize therein.

No.....

- 1. Full Name of Groom .....
- 2. Place of Residence .....
- 3. Age ..... 4. Color ..... 5. Occupation .....
- 6. Birthplace ..... 7. Number of 8. Single, Widowed  
Marriage ..... or Divorced .....
- 9. Father's Name ..... 10. Color .....
- 11. Last Residence .....
- 12. Birthplace ..... 13. Occupation .....
- 14. Mother's Maiden Name ..... 15. Color .....
- 16. Last Residence .....
- 17. Birthplace ..... 18. Occupation .....
- 19. Full Name of Bride .....
- 20. Place of Residence .....
- 21. Age ..... 22. Color ..... 23. Occupation .....
- 24. Birthplace ..... 25. Number of 26. Single, Widowed  
Marriage ..... or Divorced .....
- 27. Father's Name ..... 28. Color .....
- 29. Last Residence .....
- 30. Birthplace ..... 31. Occupation .....
- 32. Mother's Maiden Name ..... 33. Color .....
- 34. Last Residence .....
- 35. Birthplace ..... 36. Occupation .....

I do solemnly swear that the statements therein made are true.

Signature .....

Sworn to before me this ..... day of ..... 19...

..... City Clerk or Justice of the Peace.

Town                      Town                      Town

City Clerk's Office, City of ..... 19...

The intentions of marriage between the parties above named were duly entered in this office, on the ..... day of ..... A. D. 19... and by me recorded according to law.

Certificate issued ..... City Clerk  
Town

MARRIAGE CERTIFICATE

I hereby certify that Mr. .... and M ..... the above named parties, were joined in marriage by me at ..... this ..... day of ..... A. D. 19...

..... Clergyman or Justice of the Peace. Date of my Commission ..... Residence ..... Witnesses .....

This license is good only in .....

This license is invalid after one year from the date issued.'

Approved March 30, 1939.

Chapter 127

AN ACT Relating to Municipal Ordinances.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 5, § 140, amended. Section 140 of chapter 5 of the revised statutes is hereby amended to read as follows:

'Sec. 140. Inspectors of buildings to withhold permits for construction in violation of ordinance; appeal. It shall be the duty of the inspector of buildings to withhold permit for the construction of or the alteration of any building as to its use or otherwise or the maintenance of any such premises or camping-ground in violation of any ordinance or by-law enacted hereunder. Appeal shall lie from decision of the inspector of buildings to the municipal officers, or, if a board of zoning adjustment be created as hereinafter provided, then to said board of zoning adjustment, and from said municipal officers, or from said board of zoning adjustment to the superior court according to the provisions of section 20 of chapter 27.

Boards of zoning adjustment may be authorized in the zoning ordinance or by-law which shall specify the number and terms of members, the mode of appointment and other details relating to the organization and procedure of such board and which may empower such board to administer the details of the application of the zoning ordinance and regulations in accordance with the rules set forth in the zoning ordinance, including the