

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

**The following law
(P.L. 2009, ch. 82)
was repealed by people's veto,
November 3, 2009**

Question:

"Do you want to reject the new law that lets same-sex couples marry and allows individuals and religious groups to refuse to perform these marriages?"

Yes: 300,848

No: 267,828

Maine Veterans' Services verifying active duty military service and length of service.

The Secretary of State shall recall a special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

All surplus revenue collected for issuance of the special veterans registration plates is retained by the Secretary of State to maintain and support this program.

Upon request the Secretary of State shall issue special veterans registration plates for a motorcycle that are also vanity plates. These plates are issued in accordance with this section and section 453. Vanity plates issued under this subsection may not duplicate vanity plates issued in another class of plate.

The surviving spouse of a recipient of a special veterans registration plate issued in accordance with this subsection may retain and display the plate as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the plate on a motorcycle, but may retain it as a keepsake. Upon the death of the surviving spouse, the family may retain the plate, but may not use it on a motorcycle.

The Secretary of State may not issue special commemorative decals under subsection 5 or 6 for use on special veterans registration plates for a motorcycle.

Sec. 3. Special veterans registration plates; inventory; applicants who qualify for a special veterans registration plate and continue to serve in the United States Armed Forces. The Secretary of State is not required to purchase or manufacture additional special veterans registration plates if demand by applicants who qualify for special veterans registration plates exceeds the annual supply of special veterans registration plates. If the demand exceeds the annual supply of special veterans registration plates, the Secretary of State shall maintain a waiting list of those who qualify for special veterans registration plates and shall issue plates at the earliest date on which plates are available.

See title page for effective date.

CHAPTER 81

H.P. 517 - L.D. 758

**An Act To Allow
Municipalities and Counties To
Require Bartender Training
for Liquor Licensees**

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

Sec. 1. 28-A MRSA §653, sub-§2, ¶E, as amended by PL 1989, c. 592, §3, is further amended to read:

E. A violation of any provision of this Title; ~~and~~

Sec. 2. 28-A MRSA §653, sub-§2, ¶F, as enacted by PL 1989, c. 592, §4, is amended to read:

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601-; ~~and~~

Sec. 3. 28-A MRSA §653, sub-§2, ¶G is enacted to read:

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

See title page for effective date.

CHAPTER 82

S.P. 384 - L.D. 1020

**An Act To End Discrimination
in Civil Marriage and Affirm
Religious Freedom**

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

Sec. 1. 19-A MRSA §650, as enacted by PL 1997, c. 65, §2, is repealed.

Sec. 2. 19-A MRSA §650-A is enacted to read:

§650-A. Codification of marriage

Marriage is the legally recognized union of 2 people. Gender-specific terms relating to the marital relationship or familial relationships, including, but not limited to, "spouse," "family," "marriage," "immediate family," "dependent," "next of kin," "bride," "groom," "husband," "wife," "widow" and "widower," must be construed to be gender-neutral for all purposes throughout the law, whether in the context of statute, administrative or court rule, policy, common law or any other source of civil law.

Sec. 3. 19-A MRSA §650-B is enacted to read:

§650-B. Recognition of marriage licensed and certified in another jurisdiction

A marriage of a same-sex couple that is validly licensed and certified in another jurisdiction is recognized for all purposes under the laws of this State.

Sec. 4. 19-A MRSA §651, sub-§2, as amended by PL 1997, c. 537, §12 and affected by §62, is further amended to read:

2. Application. The parties wishing to record notice of their intentions of marriage shall submit an application for recording notice of their intentions of marriage. The application may be issued to any 2 persons otherwise qualified under this chapter regardless of the sex of each person. The application must include a signed certification that the information recorded on the application is correct and that the applicant is free to marry according to the laws of this State. The applicant's signature must be acknowledged before an official authorized to take oaths. Applications recording notice of intentions to marry must be open for public inspection in the office of the clerk. When the application is submitted, the applicant shall provide the clerk with the social security numbers of the parties. The application must include a statement that the social security numbers of the parties have been provided to the clerk. The clerk shall record the social security numbers provided by each applicant. The record of the social security numbers is confidential and is not open for public inspection.

Sec. 5. 19-A MRSA §655, sub-§3 is enacted to read:

3. Affirmation of religious freedom. This Part does not authorize any court or other state or local governmental body, entity, agency or commission to compel, prevent or interfere in any way with any religious institution's religious doctrine, policy, teaching or solemnization of marriage within that particular religious faith's tradition as guaranteed by the Maine Constitution, Article 1, Section 3 or the First Amendment of the United States Constitution. A person authorized to join persons in marriage and who fails or refuses to join persons in marriage is not subject to any fine or other penalty for such failure or refusal.

Sec. 6. 19-A MRSA §701, as amended by PL 2007, c. 695, Pt. C, §4, is further amended to read:

§701. Prohibited marriages; exceptions

~~**1. Marriage out of State to evade law.** When residents of this State, with intent to evade this section and to return and reside here, go into another state or country to have their marriage solemnized there and afterwards return and reside here, that marriage is void in this State.~~

1-A. Certain marriages performed in another state not recognized in this State. Any marriage performed in another state that would violate any provisions of subsections 2 to § 4 if performed in this State is not recognized in this State and is considered void if the parties take up residence in this State.

2. Prohibitions based on degrees of consanguinity; exceptions. This subsection governs marriage between relatives.

A. ~~A man may not marry his mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister, mother's sister, the daughter of his father's brother or sister or the daughter of his mother's brother or sister. A woman may not marry her father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother, mother's brother, the son of her father's brother or sister or the son of her mother's brother or sister person may not marry that person's parent, grandparent, child, grandchild, sibling, nephew, niece, aunt, uncle or first cousin.~~

B. Notwithstanding paragraph A, a man person may marry ~~the daughter of his father's brother or sister or the daughter of his mother's brother or sister~~, and a woman person may marry ~~the son of her father's brother or sister or the son of her mother's brother or sister~~ that person's first cousin as long as, pursuant to sections 651 and 652, the man or woman person provides the physician's certificate of genetic counseling.

3. Persons under disability. A person who is impaired by reason of mental illness or mental retardation to the extent that that person lacks sufficient understanding or capacity to make, communicate or implement responsible decisions concerning that person's property or person is not capable of contracting marriage. For the purposes of this section:

A. "Mental illness" means a psychiatric or other disease that substantially impairs a person's mental health; and

B. "Mental retardation" means a condition of significantly subaverage intellectual functioning resulting in or associated with concurrent impairments in adaptive behavior and manifested during the developmental period.

4. Polygamy. A marriage contracted while either party has a living wife or husband from whom the party is not divorced is void.

~~**5. Same sex marriage prohibited.** Persons of the same sex may not contract marriage.~~

See title page for effective date.