

MAINE STATE LEGISLATURE

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January 23, 1976

Doris Hayes, Deputy

Secretary of State

Martin L. Wilk, Deputy

Attorney General

Licensing Persons to Solemnize Marriages in Maine

This will respond to your memorandum dated January 16, 1976, regarding the matter referred to above. Your specific question is whether a minor may be licensed to solemnize marriages under 19 M.R.S.A. § 121. For the reasons which follow, it is our opinion that a minor may not be licensed for that purpose.

19 M.R.S.A. § 121 provides in pertinent part as follows:

"Every justice of the peace and every notary public residing in this State may solemnize marriages therein. Every ordained minister of the gospel, clergyman engaged in the service of the religious body to which he belongs or person licensed to preach by an association of ministers, religious seminary or ecclesiastical body, whether a resident or nonresident of this State, and of either sex, may solemnize marriages therein after being licensed for that purpose, upon application duly filed with the Secretary of State. . . . "

Although there is no age requirement expressly set forth in the statute, under the common law minors are not eligible to offices imposing duties the proper discharge of which require judgment, discretion and experience. In Re Golding 57 N.H. 146 (1876). See also George v. United States, 196 F.2d 445, 453 (1952), cert. den. 344 U.S. 845.

In our opinion this common law rule would apply to persons licensed by the State to solemnize marriages.

MARTIN L. WILK
Deputy Attorney General

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