

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date February 28, 1977

To Doris Hayes, Deputy

Dept. Secretary of State

From Donald G. Alexander, Deputy

Dept. Attorney General

Subject Persons Licensed to Perform Marriages

This responds to your request for an opinion dated February 18, 1977, regarding a particular fact situation involving a question of authority to solemnize marriages.

FACTS:

A priest was ordained June 12, 1952. In 1954 and again in 1972, he obtained licenses to solemnize marriages in accordance with the provisions of 19 M.R.S.A. § 121. In 1975, the priest received permission from his church dispensating him from the vow of celibacy and restoring to him the right to get married. Under the present laws of the church, this priest is not now allowed to publicly exercise his ministry, although he indicates that he may undertake certain functions in emergency situations. Further, he indicates that he remains ordained, although his status as changed.

QUESTION:

Based on the above facts you ask whether this particular priest may continue to solemnize marriages based solely on his present license which was granted in his status as an ordained minister or clergyman engaged in the service of the religious body to which he belongs.

ANSWER:

We answer your question in the negative.

DISCUSSION:

This answer is given based on the assumption that the priest in question, although remaining an ordained priest of the Catholic church, is no longer authorized to solemnize marriages under the auspices of the Catholic church. 19 M.R.S.A. § 121 provides, in pertinent part:

"Every ordained minister of the gospel, clergyman engaged in the service of the religious body to which he belongs or persons licensed to preach by an association of ministers, religious seminary or ecclesiastical body, whether resident or non-resident of this State,

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and of either sex, may solemnize marriages therein after being duly licensed for that purpose, upon application duly filed with the Secretary of State." (Emphasis supplied)

Thus, the authority of persons to solemnize marriages based on their clergyman status only grants them authority to solemnize marriages under the auspices of their particular church, and not otherwise. Where the authority to solemnize marriages under the authority of the church ceases, as it apparently has in this case, because of a change in the priest's status, then the priest no longer has authority to solemnize marriages based on the license issued to him as a priest. Mr. Vachon should be advised to obtain a license as a Justice of the Peace or Notary Public if he wishes to continue to solemnize marriages.

DONALD G. ALEXANDER
Deputy Attorney General

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