

MAINE STATE LEGISLATURE

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Marriage Licenses / Request 2-28-78
22 M/R 1978 2801

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

March 28, 1978

Mr. Robert E. Talbot
Bangor Area Chapter NAACP
139 Maine Avenue
Bangor, Maine 04401

Dear Bob:

This responds to your recent inquiry regarding the new State marriage license forms which require marriage license applicants to answer questions regarding race, education levels and sex. This new form has been developed, as you pointed out, to gather information to comply with a contract with the Federal Government to provide the Federal Government with certain vital statistical data. You ask specifically what would be the ramifications of a person declining to complete the form in areas relating to race, education level or sex.

The contract which you made reference to is between the State of Maine Department of Human Services, Bureau of Research and Vital Records, and the United States Department of Health, Education and Welfare, National Center for Health Statistics. The purpose of the contract is to provide statistical information to the Federal Government for use in research without including the names of individuals.

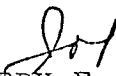
The marriage certificate form used by the State of Maine is patterned after a model form developed by the National Center for Health Statistics. Information relative to race, numbers of previous marriages and level of education is listed on the State's copy only, and would not be provided on any certified copy obtained from the Bureau of Research and Vital Records. The only reference to sex on the certificate is that made in the spaces listing "groom" and "bride."

There are no State laws which require that an individual provide information as to race and level of education. However, 22 M.R.S.A. § 2801 does require that persons filing a notice of intention to marry, who have been previously married, file with the town clerk proof of divorce.

In response to your last question, there are no ramifications if an individual fails to provide information relative to race and level of education. It is my understanding that town clerks have been advised to accept for filing marriage certificates wherein the individuals have declined, for whatever reason, to include their race or educational background. Thus, individuals are free to decline to provide information regarding race or education level on marriage license forms.

I hope I have answered your questions satisfactorily.

Sincerely,


JOSEPH E. BRENNAN
Attorney General

JEB/ec