

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Marriage Licenses; Authority to Grant
19 M.R.S.A. §1

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

December 20, 1978

TO: Doris Hayes, Deputy Secretary of State
FROM: Steven Wright, Assistant Attorney General
Re: Licenses to solemnize marriages.

This is in response to your request of November 30, 1978 as to whether the Secretary of State should issue licenses to solemnize marriages in this State to masters of sailing vessels. We answer in the negative.

Maine's marriage statutes contain express provisions as to the persons who may officiate at a marriage ceremony. The ceremony may be performed by notaries public, justices of the peace, ordained ministers, or persons licensed to preach by an association of ministers, religious seminary or ecclesiastical body. 19 M.R.S.A. §§ 1-122 provide detailed requirements pertaining to the solemnization of marriages. The sole exception is provided in the case of marriages "solemnized among Quakers or Friends . . . or solemnized among members of the Baha'i faith . . .", 19 M.R.S.A. §1.


The legislature has the power to provide the qualifications and licensing requirements of all persons who are permitted to legally perform marriage ceremonies. Maine's Supreme Judicial Court has held:

Sound public policy dictates that there be a minimum of uncertainty as to whether or not a valid marriage exists. The meeting of statutory requirements has this effect. Pierce v. Secretary of U.S. Department of H.E.W., Me., 254 A. 2d 46, 47.

While masters of certain vessels may be authorized by 46 U.S.C. § 201 to perform marriages on the high seas (See, however,

Norman v. Norman, 121 Cal. 620, 54 P. 143 (1898), Fisher v. Fisher, 250 N.Y. 313, 165 NE. 460 (1929), and 61 ALR 1528 for differing views of the effect of such celebrations) unless these persons fall within one of the categories of officials cited in 19 M.R.S.A. §121, then they are not eligible to be licensed by the State of Maine to solemnize marriages.

I hope this information is helpful.



STEVEN WRIGHT
Assistant Attorney General