

## STATE OF MAINE

20-1-310

Inter-Departmental Memorandum Date September 23, 1980To George N. WhalenDept. Motor Vehicle DivisionFrom Doris A. Harnett, AssistantDept. Attorney GeneralSubject Name appearing on operator's license

At our last meeting you expressed concern about the increased number of requests for hyphenated surnames on licenses and the legality of such surnames. Enclosed please find an opinion dated 4/4/78 as well as an Interdepartmental memo which both deal with the topic of surnames. Traditionally, a woman assumed her husband's surname upon marriage. This practice has become less frequent in recent years. No Maine statute requires a woman to assume her husband's surname at marriage. Likewise, there are no Maine statutes preventing a husband from assuming his wife's surname at marriage. Title 19 M.R.S.A. § 781 is the only Maine statute which deals with name changes. This statute outlines a Probate Court procedure which is used when a person changes his or her name. This procedure, however, has not been required when a woman's surname has been changed by virtue of marriage. Although there is very little Maine caselaw dealing with the topic of surnames, it appears that no court order is necessary when any person's surname changes at marriage. Since the Probate Court procedure is not necessary when a woman assumes her husband's name at marriage, we may conclude that the procedure would not be required when a man adopts his wife's surname at marriage. It follows that no Probate Court order is necessary if either or both spouses wish to adopt a hyphenated surname when they are married. Therefore, under the present state law, it appears that no court order is necessary to obtain a surname change on a license when the name is changed by marriage. The resulting surname is the legal name and should be accepted by the Department of Motor Vehicles.

You also stated that some operators were requesting that their full name appear on their licenses. 29 M.R.S.A. § 540 provides that each license shall "state the name" of the licensee. The statute makes no reference to first, middle or surnames. Since there are no other Maine statutes or cases which provide guidance in this area, interpretations as to what constitutes a "name" will naturally vary. The Motor Vehicles Division has been issuing licenses with first names, middle initials and last names and this practice has obviously developed as an administrative convenience. Since 29 M.R.S.A. § 540 states that an operator's "name" must appear on a license, a fair reading of the statute would permit a person's entire name (e.g. including a middle name rather than an initial) to appear on a license. On the other hand, your department should have the opportunity to process licenses in a

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practical and efficient manner. In conclusion, I suggest that your office maintain an overall policy of issuing licenses with first names, middle initials and last names; however, persons who insist that their middle names appear should be accommodated.

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Enclosures