

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 144

H. P. 114

House of Representatives, January 25, 1977

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Cote of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning Approval of Marriage by the Judge of Probate after the
Filing of Objections.

Be it enacted by the People of the State of Maine, as follows:

19 MRSA § 92 is amended to read:

§ 92. Filing of cautions

Any person, believing that parties are about to contract marriage when either of them cannot lawfully do so, may file a caution and the reasons therefor in the office of the clerk where notice of their intentions should be filed. Then, if either party applies to enter such notice, the clerk shall withhold the certificate until a decision is made by ~~a justice of the peace the probate court judge from the district involved~~, approving the marriage, after due notice to and hearing all concerned, provided the person filing the caution shall within 7 days thereafter procure the decision of such ~~justices probate court judge~~ unless ~~they certify~~ ~~he certifies~~ that further time is necessary for the purpose. In such case a certificate shall be withheld until the expiration of the certified time. He shall, finally, deliver or withhold the certificate in accordance with the final decision of said ~~justices judge~~. If the decision is against the sufficiency, the ~~justices judge~~ shall enter judgment against the applicant for costs, and issue execution therefor.

STATEMENT OF FACT

Justices of the Peace are not qualified to perform the duties required of this section. These duties should be handled by a competent person and whereas the judge of probate handles other areas involving marriage licenses, this

seems to be the appropriate person to handle the duties required of this section. The purpose of this bill is to give this responsibility to the judge of probate.