

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1830

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H. P. 1627

House of Representatives, June 1, 1977

Reported by Mr. Hobbins from Committee on Judiciary and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT to Repeal Certain Laws Relating to Domestic Relations.

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

Sec. 1. 19 MRSA § 3, 2nd and 3rd ¶¶ are repealed.

Sec. 2. 19 MRSA § 61, first ¶ is amended to read:

Residents of the State intending to be joined in marriage shall cause notice of their intentions to be recorded in the office of the clerk of the town in which ~~each one of them~~ resides, at least 5 days before a certificate of such intentions is granted. The clerk of the town in which the notice is recorded shall send, before the expiration of 5 days, notification of the intentions to the clerk of the town in which the other party resides. If one only of the parties resides in the State, they shall cause notice of their intentions to be recorded in the office of the clerk of the town in which such party resides, at least 5 days before such certificate is granted. If there is no such clerk in the place of their residence, the like entry shall be made with the clerk of an adjoining town. If both parties reside out of the State, they shall cause notice of their intentions to be recorded in the office of the clerk of the town in which such parties propose to have the marriage solemnized, at least 5 days before such certificate is granted. The book in which such record is made shall be labeled on the outside of its cover, "Record of Intentions of Marriage," and be kept open to public inspection in the office of the clerk.

Sec. 3. 19 MRSA § 63, first sentence is repealed and the following enacted in its place:

All such certificates shall have conspicuously printed thereon the following words: "The laws of Maine provide that only authorized persons may solemnize marriages in this State."

Sec. 4. 19 MRSA § 693, as amended by PL 1977, c. 118, § 3, is repealed and the following enacted in its place:

§ 693. Expenses pending divorce

Pending a divorce action, the court may order either spouse to pay to the other spouse, or to the attorney for the other spouse, sufficient money for the defense or prosecution thereof; may make reasonable provision for the wife's separate support, on a motion for which costs and counsel fees may be ordered; enter such decree for the care, custody and support of the minor children as the court deems proper; and in all cases enforce obedience by appropriate processes on which costs and counsel fees shall be taxed as in other actions. An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the children or an order to provide a policy or contract for coverage of such expenses. Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support.

Sec. 5. 19 MRSA § 722, first sentence, is repealed and the following enacted in its place:

Pending a petition to enforce a decree of alimony, or a decree for payment of money instead thereof, or for the support of minor children, or a decree for support pending the divorce action or for payment of counsel fees, or for the alteration of an existing decree for the custody or support of minor children, the court may order either spouse to pay to the other spouse, or to counsel for the other spouse, sufficient money for the prosecution or defense thereof, upon default of which order execution may issue as in actions of tort.

### STATEMENT OF FACT

Section 1 repeals the provision which establishes a fine of up to \$1,000 and imprisonment of up to 5 years for unauthorized persons who perform marriages.

Section 2 amends the provision which requires 2 residents of this State to go to the towns in which each resides to file marriage intentions. This new draft would provide filing in one town, with a notice sent to the other.

Section 3 changes a provision on the wording of the marriage certificate to conform to the change in section 1.

Sections 4 and 5 amend the provisions on orders for attorney's fees in divorce cases to provide that either party may be ordered to pay such fees, not just the husband.