

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-402)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 320, L.D. 349, Bill, "AN ACT to Repeal the Law Preventing Mentally Ill People from Getting Married."

Amend the bill by striking out all of the title and inserting in its place the following: 'AN ACT to Clarify the Law Prohibiting Persons under Disabilities from Getting Married.'

Further amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'19 MRSA §32 is repealed and the following enacted in its place:

§32. Persons under disability

1. Certain persons incapable of contracting marriage. No person who is impaired by reason of mental illness or mental retardation to the extent that he lacks sufficient understanding or capacity to make, communicate or implement responsible decisions concerning his person or property is capable of contracting marriage.

2. Definitions. For purposes of this section, the following terms have the following meanings.

A. "Mental illness" means a psychiatric or other disease which substantially impairs a person's mental health.

B. "Mental retardation" means a condition of significantly subaverage intellectual functioning manifested during a person's developmental period, existing concurrently with demonstrated deficits in adaptive behavior.

Statement of Fact

This amendment replaces the original bill. It deletes the archaic references to feeble-minded persons and idiots and replaces them with language which clearly defines the nature and degree of disability required to legally prohibit marriages.

Reported by the Committee on Judiciary.  
Reproduced and distributed under the direction of the Clerk of the House.

5/14/81

(Filing No. H-402)