

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)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2127

6
7 H.P. 1602

House of Representatives, February 24, 1984

8 Approved for introduction by the Legislative Council pursuant to Joint
9 Rule 26.

10 Referred to the Committee on Judiciary. Sent up for concurrence and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative McHenry of Madawaska.

11 Cosponsors: Representative Foster of Ellsworth, Representative Soule of
Westport and Representative Drinkwater of Belfast.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Amend the Waiting Period
18 Between Recording Intentions of Marriage and
19 Receipt of a Marriage License.
20

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

23 Sec. 1. 19 MRSA §61, as amended by PL 1973, c.
24 173, is further amended to read:

25 §61. Recording of intentions

26 Residents of the State intending to be joined in
27 marriage shall cause notice of their intentions to be
28 recorded in the office of the clerk of the town in
29 which each resides, at least 5 days one day before a
30 certificate of such intentions is granted. If one on-
31 ly of the parties resides in the State, they shall
32 cause notice of their intentions to be recorded in
33 the office of the clerk of the town in which such
34 party resides, at least 5 days one day before such

1 certificate is granted. If there is no such clerk in
2 the place of their residence, the like entry shall be
3 made with the clerk of an adjoining town. If both
4 parties reside out of the State, they shall cause no-
5 tice of their intentions to be recorded in the office
6 of the clerk of the town in which such parties pro-
7 pose to have the marriage solemnized, at least 5 days
8 one day before such certificate is granted. The book
9 in which such record is made shall be labeled on the
10 outside of its cover, "Record of Intentions of Mar-
11 riage," and be kept open to public inspection in the
12 office of the clerk.

13 Upon application by both of the parties to an in-
14 tended marriage, when both parties are residents of
15 this State or both parties are nonresidents, or upon
16 application of the party residing within the State
17 when one of the parties is a resident and the other a
18 nonresident, and upon the payment of a fee of \$10,
19 payable to the Probate, Superior or District Court, a
20 judge of probate, a Justice of the Superior Court or
21 a Judge of the District Court may, after hearing such
22 evidence as is presented, grant a certificate stating
23 that in his opinion it is expedient that the intended
24 marriage be solemnized without delay. Upon the pre-
25 sentation of such a certificate or a copy thereof
26 certified by the clerk of the court by which the cer-
27 tificate was issued, or in extraordinary or emergency
28 cases when the death of either party is imminent,
29 upon the authoritative request of a minister, clergy-
30 man, priest, rabbi or attending physician, the clerk
31 or registrar of the city or town in which the inten-
32 tion to be joined in marriage has been filed shall at
33 once issue the certificate as prescribed in this sec-
34 tion.

35 The 5 days' one day's notice required by this
36 section shall not apply to cases in which either of
37 the parties to an intended marriage has arrived as an
38 immigrant from a foreign country within 5 days one
39 day.

40 Sec. 2. 19 MRSA §62, as amended by PL 1977, c.
41 11, is further amended to read:

42 §62. Certificate

1 On and after the 5th first day from the filing of
2 notice of intentions of marriage, except as otherwise
3 provided, the clerk shall deliver to the parties a
4 certificate specifying the time when such intentions
5 were entered with him. It shall be delivered to the
6 minister or magistrate before he begins to solemnize
7 the marriage, which shall be performed in the pres-
8 ence of at least 2 witnesses besides the clergyman or
9 magistrate officiating. No such certificate ~~shall~~
10 may be issued to a male under 18 or to a female under
11 18 years of age, without the written consent of their
12 parents, guardians or persons to whom a court has
13 given custody of such minors first presented, if they
14 have any living. In the absence of persons qualified
15 to give consent, the Judge of Probate in the county
16 where such minors reside may, after notice and hear-
17 ing, grant consent. When 2 licenses are required and
18 when either or both applicants for a marriage license
19 are under the ages specified in this section, the
20 written consent shall be given for the issuance of
21 both licenses and such written consent shall be given
22 in the presence of the clerk issuing the license or
23 by acknowledgment under seal filed with such clerk.
24 No certificate ~~shall~~ may be issued to a person under
25 16 years of age without the written consent of that
26 minor's parents, guardians, or persons to whom a
27 court has given custody of that minor first pre-
28 sented, if the minor has any living, and without that
29 clerk, having notified the Judge of Probate in the
30 county in which the minor resides of the filing of
31 these intentions, and having received in writing the
32 consent from the judge to issue the certificate. If
33 no written consent from the judge has been received
34 by the 10th day from the filing of notice of inten-
35 tions of marriage, consent shall be deemed to have
36 been received, and the clerk shall issue the certifi-
37 cate. The Judge of Probate may, in the interest of
38 public welfare, order that no such certificate shall
39 be issued. Any certificate is void if not used with-
40 in 60 days from the day the intentions are filed in
41 the office of the municipal clerks. Whoever con-
42 tracts a marriage or makes false representations to
43 procure the certificate provided for above or the
44 solemnization of marriage contrary to this chapter
45 shall forfeit \$100. The clerk of any town or his dep-

1 ing period for a couple planning marriage. This addi-
2 tion provides these couples with another option for
3 seeking a waiver that may be helpful in situations
4 where a District Court or Probate Court Judge is not
5 available.

6

4827020784