

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 397

H.P. 285

House of Representatives, February 23, 1989

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative McCORMICK of Rockport.

Cosponsored by Representative WENTWORTH of Wells, Senator PERKINS of Hancock and Representative BOUTILIER of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Reestablish the Requirement that Couples Receive a Blood
Test before Obtaining a Marriage License.**



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

3 22 MRSA c. 251, sub-c. III, art. 3-A is enacted to read:

5 Article 3-A. Premarital Medical Examinations

7 §1191. Test required

9 Except as otherwise provided in this article, no municipal
11 clerk may issue a license for the marriage of parties until each
13 applicant has caused to be filed with the clerk a statement
signed by a duly licensed physician that the applicant has been
given a physical examination, including a blood test.

15 §1192. Waiver in emergency

17 Because of emergency or other cause shown by affidavit or
19 other proof, any Justice of the Superior Court, Judge of Probate
21 Court or Judge of a District Court, if satisfied that the public
23 health and welfare will not be injuriously affected, may make an
25 order, in the justice's or the judge's discretion, on joint
27 application of both of the parties desiring the marriage license,
29 dispensing with the requirements of section 1191 as to either or
31 both of the parties, including the laboratory statement, or, if
33 the statement or statements provided for by that section have
35 been filed, extending the 30-day period following the examination
37 and test and extending the 60-day period of validity of any
39 certificate to not later than a day specified, which shall be not
41 more than 90 days after the examination and test. Payment of a
\$25 application fee shall be made at the time application for the
waiver is made. The order shall be accompanied by a memorandum
in writing of the justice or judge reciting the reasons for
granting the order. Application for an extension may be made
before or on the expiration of such 30-day period. The order and
the accompanying memorandum shall be filed with the town or city
clerk, and the clerk then shall accept and consider application
for the marriage license without the production or filing of any
of the physician's statements dispensed with by the order, or
shall accept and consider the application within any extended
period, as the case may be. The clerk shall hold a memorandum of
a judge or justice in absolute confidence.

43 §1193. Physician's statement and laboratory test

45 Each physician's statement shall be accompanied by a
47 statement from the person in charge of the laboratory making the
49 test or tests, or from some other person authorized to make a
51 statement, setting forth the name of the test or tests, the date
it was completed and the name and address of each person whose
blood was tested, but not stating the result of the test or
tests. The physician's statement and the laboratory statement
shall be on the same form sheet. Upon a separate form a detailed

1 report of the laboratory test or tests, showing the result of the
2 test or tests, shall be transmitted by the laboratory to the
3 physician who, after examining it, shall file it with the Bureau
4 of Health, and it shall be held in confidence and shall not be
5 open to public inspection.

7 **§1194. Fee**

9 All fees and charges of any physician making the necessary
10 examination or examinations of and issuing the necessary
11 certificate to any one party, as provided in this article, shall
12 not exceed the sum of \$25 for each person examined.

13 **§1195. Form sheets; certificates**

15 The Bureau of Health shall arrange and provide the form
16 sheets and certificates required in this article and shall supply
17 without charge the form sheets and certificates upon application
18 to any duly licensed physician in the State.

21 **§1196. Misrepresentation; penalty**

23 Any applicant for marriage license, any physician or any
24 representative of a laboratory who misrepresents any of the facts
25 called for by the physician's statement and the laboratory report
26 or statement, or any town or city clerk who issues a license
27 without the required certificate, or any officer of the Bureau of
28 Health or any employee of the department who does not hold the
29 laboratory record confidential, except as provided in section
30 1193 with respect to its production for evidence on order of the
31 justice or judge of any court, shall be guilty of a Class E crime
32 and shall be punished by a forfeiture of not less than \$100 nor
33 more than \$500 or by imprisonment for not less than 30 days nor
34 more than 90 days.

35 **§1197. Rules**

37 The Commissioner of Human Services shall promulgate rules,
38 in accordance with the Maine Administrative Procedure Act, Title
39 5, chapter 375, to implement the provisions of this article.

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43 **STATEMENT OF FACT**

44 This bill reestablishes the requirement that a blood test be
45 given to all persons applying for marriage licenses.