

MAINE STATE LEGISLATURE

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Date: 4/28/11

L.D. 138
(Filing No. H-134)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 120, L.D. 138, Bill, "An Act To Allow a Nonresident Notary Public or Justice of the Peace To Perform a Single Wedding Ceremony"

Amend the bill by striking out the title and substituting the following:

'An Act To Allow a Nonresident To Perform a Single Marriage Ceremony'

Amend the bill by striking out all of sections 1 to 3 (page 1, lines 2 to 10 in L.D.) and inserting the following:

'Sec. 1. 19-A MRSA §654, as amended by PL 2001, c. 574, §5, is further amended to read:

§654. Record of marriages

1. Copy. Every person authorized to unite persons in marriage shall make and keep a record of every marriage solemnized by that person in conformity with the forms and instructions prescribed by the State Registrar of Vital Statistics pursuant to Title 22, section 2701.

2. Return of marriage license. The person who solemnized the marriage shall return ~~each original certificate~~ the marriage license to the clerk who issued the ~~certificate license~~ within 7 working days following the date on which the marriage is solemnized by that person. The clerk and the State Registrar of Vital Statistics each shall retain a copy of the ~~certificate license~~ license.

3. Statement including officiant and witnesses. ~~Each certificate and copy~~ The marriage license returned must contain a statement giving the names of the parties united in marriage, place and date of the marriage, the signature of the person by whom the marriage was solemnized and the names of the 2 witnesses. The person who solemnized the marriage shall add the title of the office by virtue of which the marriage was solemnized, the residence of the person who solemnized the marriage and:

A. The date ordained or authorized by a religious faith to perform marriages;

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 120, L.D. 138

- 1 B. The date the notary public's commission expires; ~~or~~
- 2 C. The date the lawyer was admitted to the Maine Bar; or
- 3 D. The date the person's temporary registration certificate was issued under section
- 4 655, subsection 1-A.

5 **4. Recorded by clerk.** The clerk shall record all ~~certificates or copies~~ marriage
6 licenses returned under this section.'

7 Amend the bill by striking out all of sections 6 and 7 (page 1, lines 26 to 35 and page
8 2, lines 1 to 11 in L.D.) and inserting the following:

9 '**Sec. 6. 19-A MRSA §655, sub-§1, ¶C** is enacted to read:

10 C. A nonresident of the State who has a temporary registration certificate issued by
11 the Office of Data, Research and Vital Statistics pursuant to subsection 1-A.

12 **Sec. 7. 19-A MRSA §655, sub-§1-A** is enacted to read:

13 **1-A. Temporary registration certificate.** The Office of Data, Research and Vital
14 Statistics may issue a temporary registration certificate to solemnize a marriage ceremony
15 to an individual who is a resident of another state and who is authorized under the laws of
16 that state to solemnize marriages.

17 A. An individual seeking a temporary registration certificate under this subsection
18 must submit to the Office of Data, Research and Vital Statistics:

19 (1) A copy of a valid commission or other indicia of authority to perform
20 marriage ceremonies in the individual's state of residence as proof of existence of
21 the authority;

22 (2) A copy of the other state's statute that grants the individual authority to
23 solemnize marriages in that state;

24 (3) The names and residences of the 2 parties whose marriage the individual
25 proposes to solemnize and the expected date of the marriage ceremony; and

26 (4) A \$100 registration fee.

27 B. Upon finding that the individual has satisfied the requirements of paragraph A,
28 the Office of Data, Research and Vital Statistics shall issue to the individual a
29 temporary registration certificate authorizing the individual to solemnize the marriage
30 of the parties whose names were provided pursuant to paragraph A, subparagraph (3).
31 The Office of Data, Research and Vital Statistics may decline to issue a temporary
32 registration certificate if complaints filed against the individual for actions in this
33 State have been substantiated or for other good cause, even if the state in which the
34 individual is authorized to solemnize marriages has not taken disciplinary action.

35 C. A temporary registration certificate does not authorize the individual to solemnize
36 any marriage other than the marriage of the parties provided pursuant to paragraph A,
37 subparagraph (3).

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D. A temporary registration certificate under this subsection expires upon the individual's signing the marriage license or 90 days after issuance, whichever occurs first.

E. The Office of Data, Research and Vital Statistics shall keep a permanent record of all temporary registration certificates issued under this subsection. The records must contain the name and residence of each individual to whom a temporary registration certificate is issued.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment updates language concerning marriage licenses.

The amendment revises the bill to allow the Department of Health and Human Services, Office of Data, Research and Vital Statistics to issue a temporary registration certificate to solemnize a marriage to an individual who is a nonresident of this State and who is authorized to solemnize marriages in the individual's state of residence. The individual must apply for the temporary registration certificate by providing evidence of that authority, such as a copy of a commission certificate, as well as a copy of the statute that provides the authority. The temporary registration certificate expires 90 days after issuance or upon the individual's signing the marriage license, whichever occurs first.

FISCAL NOTE REQUIRED

(See attached)



Approved: 03/29/11 *mac*

125th MAINE LEGISLATURE

LD 138

LR 37(02)

An Act To Allow a Nonresident Notary Public or Justice of the Peace To Perform a Single Wedding Ceremony

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds
Minor revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs incurred and additional revenue received by the Office of Data, Research and Vital Statistics in the Department of Health and Human Services cannot be determined at this time but is not expected to be significant.