

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-SIXTH LEGISLATURE

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SENATE

NO. 556

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*In Senate, March 20, 1913.*

*Reported by majority from Committee on Legal Affairs, and  
ordered printed under joint rules.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THIRTEEN.

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AN ACT prohibiting marriages in certain cases.

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

Section 1. No person authorized to unite persons in marriage shall knowingly perform a marriage ceremony uniting persons in marriage, either of whom is an epileptic, imbecile, feeble-minded person, idiot, insane person, or person who has been twice convicted of felony and served two terms in any states prison or penitentiary, or person apparently afflicted with pulmonary tuberculosis in its advanced stages, or with any contagious venereal disease.

Sect. 2. No person authorized to unite persons in marriage shall perform any marriage ceremony until the fol--

3 lowing certificate is delivered to him in addition to such  
4 certificates as are now required by law :

Each party desiring to marry shall present a certificate  
6 of a physician duly registered and residing in this state,  
7 to the city or town clerk or other official issuing marriage  
8 licenses, stating that such party desiring to marry is not an  
9 epileptic, imbecile, feeble-minded person, idiot, insane per-  
10 son, or person who has heretofore been afflicted with hered-  
11 itary insanity, or person afflicted with pulmonary tuber-  
12 culosis in its advanced stages, and apparently is not afflicted  
13 with any contagious venereal disease. Any party examined  
14 by said physician who is aggrieved by his finding may  
15 appeal to the county medical examiner of the county where  
16 such person resides or is commorant. If the decision of  
17 said medical examiner is against said person, an appeal may  
18 be taken to the supreme judicial court by a petition stating  
19 the facts, which shall be served upon the said medical  
20 examiner fourteen days before the same can be entered in  
21 court and hearing demanded. The justice so hearing the  
22 case, may if he deems the questions presented of sufficient  
23 importance, report the case or any part thereof to the law  
24 court to be heard and determined as by law now provided.  
25 The county attorney of the county having jurisdiction shall  
26 appear in behalf of said medical examiner. Said petition  
27 may be entered in court either in term time or vacation,  
28 and any justice may hear the same in term time or in vaca-  
29 tion.

Sect. 3. The above described certificates shall be returned  
2 by the person issuing the marriage licenses to the register  
3 of vital statistics and filed and recorded in his office. The  
4 secretary of State shall prepare and furnish proper blanks  
5 to all physicians residing and practicing in this State for  
6 the certificates required by this act.

Sect. 4. Any person who knowingly violates any of the  
2 provisions of this act or who knowingly falsely makes cer-  
3 tificate required by this act shall be punished by a fine of  
4 not exceeding five hundred dollars or by imprisonment for  
5 not exceeding one year, and in addition thereto, any physi-  
6 cian found guilty of a violation of this act shall forfeit his  
7 license to practice medicine in this State.