

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 318

In Senate, March 11, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Committee on Reference.

Presented by Mr. Durgin of Piscataquis.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to Amend Section Five of Chapter Sixty-one of the Revised Statutes Relating to Marriage and the Registration of Vital Statistics.

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

Section five of chapter sixty-one of the revised statutes is
2 hereby amended by striking out the word "but" in line four
3 of said section and inserting in place thereof the words, 'if
4 such certificate is not used, it shall be returned to the office
5 issuing the same within six months after it is issued. Who-
6 ever performs a ceremony of marriage upon a certificate
7 more than six months after it is issued, and whoever having

8 taken out such certificate and not having used it fails to
9 return it, within six months after it is issued, to the office
10 issuing the same, shall be punished by a fine of not more
11 than ten dollars,' so that said section as amended shall read
12 as follows:

'Sect. 5. The clerk shall deliver to the parties a certificate
14 specifying the time when such intentions were entered with
15 him; and it shall be delivered to the minister or magistrate
16 before he begins to solemnize the marriage. If such cer-
17 tificate is not used, it shall be returned to the office issuing
18 the same within six months after it is issued. Whoever per-
19 forms a ceremony of marriage upon a certificate more than
20 six months after it is issued, and whoever having taken out
21 such certificate and not having used it fails to return it
22 within six months after it is issued, to the office issuing the
23 same shall be punished by a fine of not more than ten dol-
24 lars. No such certificate shall be issued to a male under
25 twenty-one, or to a female under eighteen years of age,
26 without the written consent of their parents or guardians
27 first presented, if they have any living in the state; nor to a
28 town pauper when the overseers of such town deposit a
29 list of their paupers with the clerk; and for an intentional
30 violation of the foregoing prohibitions, or for falsely stat-
31 ing the residence of either party named in such certificate,
32 such clerk forfeits twenty dollars.'

STATEMENT OF REASONS FOR THE PROPOSED
AMENDMENT OF SECTION FIVE OF CHAPTER
SIXTY-ONE OF THE REVISED STATUTES.

Inquiries come somewhat frequently to the office of the state registrar as to how long certificates of marriage issued by town clerks are good and valid. There is apparently no limitation of the time during which a marriage certificate may be used.

Somewhat frequently records which purport to be of marriages come to the office of the state registrar without any statement as to the date or place of marriage or by whom solemnized. The town clerk has recorded the intentions of marriage but he is uncertain as to whether the marriage has actually occurred.

The same uncertainties and troubles were occurring in Massachusetts until one year ago when the legislature passed an act, the provisions of which are embodied in this proposed amendment. Many state and local registrars all over the country and public health journals have highly approved this Massachusetts enactment.