

# MAINE STATE LEGISLATURE

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**EIGHTY-FIRST LEGISLATURE**

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**HOUSE**

**NO. 117**

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House of Representatives, Feb. 16, 1923.

Referred to Committee on Public Health and five hundred copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Fickett of Naples.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-THREE

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AN ACT to Amend Chapter Forty-one of the Public Laws  
of 1919, Relating to Marriage of Persons Infected with  
Syphilis.

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

Chapter forty-one of the public laws of nineteen hundred  
2 nineteen is hereby amended by striking out all of said  
3 chapter and inserting in place thereof the following:

'Sect. 1. No person who has been infected with syphilis,  
2 gonorrhoea or chancroid, shall marry until he, or she, has  
3 a certificate from a physician that he or she, is cured of and  
4 is free from such diseases. The state department of health  
5 is hereby empowered to make regulations describing the

6 methods to be employed in the diagnosis of the said diseases,  
7 also the tests that shall determine the absence of the said  
8 diseases.

'Sect. 2. Every physician shall keep a record of all cases  
2 of syphilis, gonorrhoea or chancroid that come under his  
3 observation and shall use all reasonable means to ascertain  
4 the intention of such person to marry. The physician shall  
5 warn said person of the moral responsibilities of contagion  
6 to others, the physical evils to wife or husband, or offspring  
7 and the legal penalties. If the physician learns that a per-  
8 son infected as aforesaid intends to marry, he shall ascertain  
9 the names of the contracting parties and he shall notify the  
10 clerk of the city, town or plantation where the person resides  
11 of such intention of marriage in violation of the provisions  
12 of section one of this act, together with a similar notice  
13 to the office of the state department of health.

'Sect. 3. The state department of health when notified  
2 by a physician, or the clerk of a city, town or plantation,  
3 that a certain person, infected with syphilis, gonorrhoea or  
4 chancroid is about to marry, is hereby empowered to notify  
5 both contracting parties that such marriage is forbidden by  
6 the laws of the state.

'Sect. 4 The clerk of every city, town or plantation shall  
2 deliver to every applicant for a certificate for a license to  
3 marry, a blank form, printed in duplicate, in which each  
4 party to an intended marriage shall make affirmation, or  
5 oath before a person qualified to receive the same, that he

6 or she, is free from infection with syphilis, gonorrhoea and  
7 chancroid. The original shall be kept on file by said clerk,  
8 together with the records of marriage, and the duplicate  
9 shall be sent to the registrar of vital statistics, who shall  
10 furnish to said clerks the printed duplicated forms afore-  
11 said.

‘Sect. 5. When residents of this state with intent to evade  
2 the provisions of the preceding sections of this chapter, and  
3 to return and reside here, go into another state or country,  
4 and there have their marriage solemnized and afterwards  
5 return and reside here, such marriage is void in this state.

‘Sect. 6. When the death of either contracting party is  
2 imminent, or, when it is necessary to legitimize the expected  
3 birth of a child, or of one who has been born, the preceding  
4 sections relating to marriage and the section relating to  
5 penalties shall not apply; but the person so married shall  
6 not cohabit with wife or husband, until they shall obtain  
7 from a physician a certificate stating they are free from the  
8 aforesaid diseases. The clerk of said cities, towns and  
9 plantations shall notify the state department of health of  
10 the names of the persons so married and the reason claimed  
11 under this section. The certificate of health given to the  
12 person by the physician shall be recorded by the clerk and  
13 delivered to the state department of health.

‘Sect. 7. The reports to the state department of health  
2 prescribed by the preceding sections shall be confidential  
3 and shall not be accessible to the public, nor shall such

4 records and reports be deemed public records.

‘Sect. 8. Any person who evades or fails to comply with  
2 or violates any provisions of the preceding sections of this  
3 chapter or makes a false affidavit, shall be punished by im-  
4 prisonment of not less than three months or more than  
5 one year, or by a fine or not less than two hundred dollars,  
6 or more than five hundred dollars, or both. Municipal and  
7 police courts and trial justices shall have jurisdiction con-  
8 currently with supreme judicial and superior courts of  
9 offenses under this chapter.’