

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 502

S. P. 72

In Senate, Feb. 8, 1933.

Reported by Senator Weeks of Somerset from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weeks of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT to Revise Penalty Provisions in Chapter Seventy-two.

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

Section 1. Penalty. Section 7 of chapter 72 of the revised statutes is hereby amended to read as follows :

'Sec. 7. Certificate of marriage out of state to be filed; penalty. When residents of this state go into another state for the purpose of marriage, and it is there solemnized, and they return to dwell here, they shall, on the blank prepared by the state registrar for that purpose, fill out and file a certificate of their marriage with the clerk of the town in which each of them lived, within seven days after their return. The clerk shall then record such marriage.

'Any person who fails to make the report of his marriage as above provided shall forfeit twenty dollars, half to the prosecutor and half to the town where the forfeit is incurred.'

Sec. 2. Penalty. Section 5 of chapter 72 of the revised statutes is hereby amended to read as follows :

'Sec. 5. Clerk to give certificate to parties, but not to paupers, nor to minors without written consent of parties; penalty. The clerk shall deliver to the parties a certificate specifying the time when such intentions were entered with him ; and it shall be delivered to the minister or magistrate before he begins to solemnize the marriage ; but no such certificate shall be

issued to a male under twenty-one, or to a female under eighteen years of age, without the written consent of their parents or guardians first presented, if they have any living in the state; or to a male or female under sixteen years of age without the written consent of their parents or guardians first presented, if they have any living in the state, and without said clerk having notified in writing the judge of probate in the county in which they reside of the filing of such intentions, who may in the interest of public welfare, order that no such certificate shall issue, nor to a town pauper when the overseers of such town deposit a list of their paupers with the clerk. **Whoever contracts a marriage or makes false representations to procure the certificate provided for above or the solemnization of marriage contrary to this chapter shall forfeit \$100.00. The clerk of any town or his deputy who intentionally violates the provisions of this section or falsely states the residence of either party named in the certificate above mentioned shall forfeit \$20.00 for each offense.'**

Sec. 3. Penalty. Section 10 of chapter 72 of the revised statutes is hereby amended to read as follows:

'Sec. 10. Marriage among Quakers; penalty. Marriages solemnized among Quakers or Friends, in the form heretofore practiced in their meeting, are valid, and not affected by the foregoing provisions; and the clerk or the keeper of the records of the meeting in which they are solemnized, shall make return thereof as provided in section seventeen. **Any person who wilfully neglects or refuses to perform the duty imposed upon him by the provisions of this section shall be punished by a fine of not more than \$100.00 for each offense, for the use of the town in which the offense occurred.'**

Sec. 4. Penalty. Section 11 of chapter 72 of the revised statutes is hereby amended to read as follows:

'Sec. 11. Persons authorized to solemnize marriages; secretary of state to issue license; license or certified copy to be received as evidence; revocation of license; penalty. Every justice of the peace and every notary public residing in this state may solemnize marriages therein. Every ordained minister of the gospel, clergyman engaged in the service of the religious body to which he belongs, or person licensed to preach by an association of ministers, religious seminary or ecclesiastical body, whether a resident or non-resident of this state, and of either sex, may solemnize marriages therein after being licensed for that purpose, upon application duly filed with the secretary of state, as herein provided. Such application shall be made upon blanks furnished by the secretary of state which shall be signed by the applicant and set forth the necessary facts in the premises, which facts shall be certified to by the clerk, treasurer, or any of the municipal officers of the town wherein the applicant resides, or wherein the

ceremony is to be performed. Upon receipt of such application the secretary of state shall issue to the applicant a license under the seal of the state to the effect that he is authorized to solemnize marriages in this state. Such license, or a certified copy thereof shall be received as evidence in all courts of his authority in the premises, and a copy of the record of any marriage solemnized by such licensee duly made and kept, attested or sworn to by the clerk of the town in which the marriage intention was recorded or in which the marriage was solemnized shall be received in all courts as evidence of the fact of marriage. Such license shall continue until revoked by the governor for cause, after notice and an opportunity to be heard thereon. **If any person wilfully neglects or refuses to perform any duty imposed upon him by the provisions of this section, he shall be punished by a fine of not more than \$100.00 for each offense, for the use of the town in which the offense occurred, and the state registrar shall enforce this section as far as it comes within his power and shall notify the county attorney of the county in which said penalty should be enforced of the facts that have come to his knowledge, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.'**

Revisor's note. The above penalties in §§ 1, 2, 3 and 4 formerly appeared in § 14 and are by this act replaced in the section they effect so that it would not be necessary to look in two places for the necessary information. The penalty in the above § 4 formerly appeared in § 40 which now becomes a part of the new health and welfare chapter and therefore this penalty is removed and made a part of the section which it affects.

Sec. 5. Penalty. The first 4 paragraphs of section 14 of chapter 72 of the revised statutes are hereby repealed.

Revisor's note. These first 4 paragraphs have been replaced in the sections preceding in this bill.