

MAINE STATE LEGISLATURE

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

Legislative Document

No. 471

H. P. 1195

House of Representatives, February 7, 1939.

Referred to Committee on Public Health and sent up for concurrence.
1,000 copies order printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Holman of Dixfield.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Premarital Examination.

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

Sec. 1. R. S., c. 72, additional. Chapter 72 of the revised statutes is hereby amended by adding at the end thereof the following new sections to be numbered 63, 64, 65, 66, 67 and 68, and to read as follows:

'Sec. 63. Physicians' examination and standard test of applicant for marriage license. Except as herein otherwise provided, no application for a marriage license shall be accepted by the town or city clerk unless accompanied by or unless there shall have been filed with him a statement or statements signed by a duly licensed physician that each applicant has been given a standard test, as required by the state department of health and welfare for the discovery of syphilis and gonorrhea, made on a day specified in the statement, which shall be not more than the 20th day prior to that on which the license is applied for, and that in the opinion of the physician the person therein named is not infected with syphilis, or gonorrhea, or, if so infected, is not in a stage of that disease whereby it may become communicable.'

'Sec. 64. Physician's statement and laboratory test Each physician's statement shall be accompanied by a statement from the person in charge

of the laboratory making the test, or from some other person authorized to make such statement, setting forth the name of the test, the date it was completed and the name and address of each person whose blood was tested, but not stating the results of the test. The physician's statement and the laboratory statement shall be on the same form sheet. Upon a separate form a detailed report of the laboratory test, showing the result of the test, shall be transmitted by the laboratory to the physician, who, after examining it, shall file it with the state department of health and welfare, and it shall be held in absolute confidence and shall not be open to public inspection; provided, however, that it shall be produced for evidence at a trial or proceeding in a court of competent jurisdiction, involving issues in which it may be material and relevant, or an order of a justice of any such court requiring its production.'

'Sec. 65. Penalty for misrepresentation. Any applicant for marriage license, any physician or any representative of a laboratory who shall misrepresent any of the facts called for by the physician's statement and the laboratory report or statement, or any licensing officer who shall have reason to believe that any of the facts have been misrepresented and shall nevertheless issue a marriage license, or any officer of the state department of health and welfare or any employee of said department who shall not hold the laboratory record confidential, except as provided in section 64 hereof with respect to its production for evidence on order of the justice or judge of any court, shall be guilty of a misdemeanor, and punishable accordingly.'

'Sec. 66. Existing laws not affected. Nothing in this section shall impair or affect existing laws, rules, or regulations made by authority of law, relative to the reporting of cases of syphilis and gonorrhoea discovered by physicians.'

'Sec. 67. Restrictions on issuance of marriage licenses to non-residents. A clerk authorized to issue marriage license, shall not issue a license for the marriage of parties, both of whom reside and intend to continue to reside outside the state, until, in addition to complying with all other requirements for the issuance of marriage licenses, he has received and filed evidence that the contracting parties are qualified to marry according to the laws of the state in which the prospective bride resides and intends to continue to reside. Such evidence shall be a license for the marriage of the parties, or 2 such licenses if a license for each party is required, issued according to the law of such state. In case the prospective bride resides or intends to reside in the District of Columbia, in a territory or

dependency of the United States, or in a foreign country, such evidence shall be a license or licenses for the marriage of the parties issued according to the law of such district, territory, dependency or foreign country.'

'Sec. 68. Fee. The maximum fee for giving such examination shall not exceed \$5.'

Sec. 2. Amending and repealing clause. All acts or parts of acts inconsistent herewith are hereby repealed, or amended to conform herewith.