

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. 735

H. P. 1661

House of Representatives, February 14, 1939.

Referred to Committee on Legal Affairs and sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Payson of Portland.

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 Marriage Licenses.

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

Sec. 1. R. S., c. 72, § 5, amended. Section 5 of chapter 72 of the revised statutes, as amended, is hereby further 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. On and after the 5th day from the filing of notice of intentions of marriage, except as otherwise provided, 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, **which shall be performed in the presence of at least 2 witnesses besides the clergyman or magistrate officiating;** but no such certificate shall be issued to a male under 21, or to a female under 18 years of age, without the written consent of their parents or guardians first presented, if they have any living; or to a male or female under 16 years of age without the written consent of their parents or guardians first presented, if they have any living, 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. **Such certificate is void if not used within 6 months after the date of issuance.** 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. 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 for each offense.'

Sec. 2. P. L., 1933, c. 1, § 62, amended. Section 62 of chapter 1 of the public laws of 1933 is hereby repealed and the following is enacted in place thereof:

'**Sec. 62. Copy of record of marriages, forwarded to town clerk.** Every person authorized to unite persons in marriage shall make and keep a record of every marriage solemnized by him in conformity with the requisitions prescribed for blank records of marriages in section 60. That person shall forthwith, following each marriage solemnized by him, return each original certificate or certificates to the clerk who issued the same; and if the marriage was solemnized in a town other than the place or places where the parties to the marriage reside, return a copy of the certificate or of either certificate if two were issued, to the clerk of the town where the marriage was solemnized. Each certificate and copy so returned shall contain a statement giving the names of the parties united in marriage, place and date of the marriage, the signature of the person by whom the same was solemnized, and the names of the two witnesses. The person who solemnized the marriage shall add the title of the office by virtue of which marriage was solemnized, his residence, and the date of his commission. All certificates or copies so returned shall be recorded by the clerk receiving them.'

Sec. 3. P. L., 1933, c. 1, additional. Chapter 1 of the public laws of 1933 is hereby amended by adding thereto a new section to be numbered 62-A, and to read as follows:

'**Sec. 62-A.** Before issuing a marriage license to a person who resides and intends to continue to reside in another state, the town or city clerk shall satisfy himself by requiring affidavits or otherwise that such person is not prohibited to marry by the laws of the state where he or she resides.'

Persons filing notice of intention to marry, one or both of whom have previously been married and divorced, shall file therewith a certificate or certified copy from the clerk of the court by which the divorce was granted, showing the title and location of the court and the names of the parties

to the proceeding for divorce, and showing which party obtained the divorce, the cause therefor, and the date when the decree became absolute. If there has been more than one divorce, the said certificate or certified copy as to every such divorce shall accompany the notice of intention.

On or before the 15th day of each month every marriage of a non-resident occurring in Maine during the preceding month shall be reported to the city or town of their residence.

No marriage shall be contracted in this state by a party residing and intending to continue to reside in another state, if such marriage would be void if contracted in such other state, and every marriage contracted in this state in violation thereof shall be void.

The license shall contain the information called for in the following form, so far as same is known to each person, one of whom shall subscribe to the truth of same in the presence of the clerk or one of his assistants, of that town or city in which they respectively reside.

State of Maine

CERTIFICATE OF MARRIAGE

The laws of Maine provide for a fine not exceeding one thousand dollars or imprisonment not exceeding five years to be the punishment of any clergyman, or other person, who shall solemnize a marriage within this State unless authorized to solemnize therein.

No.....

- 1. Full Name of Groom
- 2. Place of Residence
- 3. Age 4. Color 5. Occupation
- 6. Birthplace 7. Number of 8. Single, Widowed
Marriage or Divorced
- 9. Father's Name 10. Color
- 11. Last Residence
- 12. Birthplace 13. Occupation
- 14. Mother's Maiden Name 15. Color
- 16. Last Residence
- 17. Birthplace 18. Occupation
- 19. Full Name of Bride
- 20. Place of Residence
- 21. Age 22. Color 23. Occupation
- 24. Birthplace 25. Number of 26. Single, Widowed
Marriage or Divorced

- 27. Father's Name 28. Color
- 29. Last Residence
- 30. Birthplace 31. Occupation
- 32. Mother's Maiden Name 33. Color
- 34. Last Residence
- 35. Birthplace 36. Occupation

I do solemnly swear that the statements therein made are true.

Signature

Sworn to before me this day of 19...

..... City Clerk or Justice of the Peace.

Town Town Town

City Clerk's Office, City of 19...

The intentions of marriage between the parties above named were duly entered in this office, on the day of A. D. 19... and by me recorded according to law.

Certificate issued City Clerk
Town

MARRIAGE CERTIFICATE

I hereby certify that Mr. and M the above named parties, were joined in marriage by me at this day of A. D. 19...

..... Clergyman or Justice of the Peace.
Date of my Commission Residence
Witnesses

This license is good only in

This license is invalid after six months of the date issued.'