

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

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

---

---

**Legislative Document**

**No. 637**

---

---

S. P. 412

In Senate, February 11, 1941.

Referred to Committee on Public Health. Sent down for concurrence and 1000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Townsend of Penobscot.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

---

**AN ACT Relating to Pre-marital Medical Examinations.**

---

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

**Sec. 1. Physician's examination and standard test for application 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 previously filed with him a statement or statements signed by a physician duly licensed to practice in the state of Maine that each applicant has been given a physical examination, including a standard blood test, as required by the bureau of health in the state department of health and welfare for the discovery of syphilis, made on a day specified in the statement, which shall not be more than the 30th day prior to that on which the license is applied for, said blood test to be made by the state laboratory or by a hospital laboratory approved by the bureau of health in the state department of health and welfare, and that in the opinion of the physician the person therein named is not infected with syphilis, or, if so infected, is not in a stage of that disease whereby it may become communicable. Provided, however, that if it appears from said first test that the applicant is infected with syphilis, every such applicant shall have the right to have a minimum of 3 tests in connection with said application of which not less than 2 shall establish the opinion of the

physician that such applicant is infected with such venereal disease. And provided further that in case an application for a marriage license is finally denied, the person making said application may again apply for a marriage license when he or she has reason to believe that the cause for denial no longer exists.

**Sec. 2. Emergency provision.** Because of emergency or other cause shown by affidavit or other proof, any justice of the superior court, if satisfied that the public health and welfare will not be injuriously affected thereby, may make an order, in his discretion, on joint application of both of the parties desiring the marriage license, dispensing with the requirements of section 1 as to either or both of the parties, including the laboratory statement specified below, or, if the statement or statements provided for by such section have been filed, extending the 30-day period following the examination and test to not later than a day specified, which, however, shall be not more than 90 days after the examination and test. The order shall be accompanied by a memorandum in writing of the said justice reciting his reasons for granting the order. Application for such extension may be made before, or on the expiration of such 30-day period. The order, and the accompanying memorandum, shall be filed with the town or city clerk, and he then shall accept and consider application for the marriage license without the production or filing of any of the physician's statements dispensed with by the order, or shall accept and consider the application within any such extended period, as the case may be. The clerk shall hold such memorandum of a judge or justice in absolute confidence.

**Sec. 3. 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 tests, or from some other person authorized to make such statement, setting forth the name of the test or tests, the date it was completed and the name and address of each person whose blood was tested, but not stating the result of the test or tests. 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 or tests, showing the result of the test or tests, shall be transmitted by the laboratory to the physician, who, after examining it, shall file it with the bureau of health in 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 may be produced under subpoena in a proceeding upon appeal as provided for in section 8 of this act.

**Sec. 4. Free blood test for those unable to pay.** A blood sample may

be sent to the state laboratory and shall be examined free of charge. An applicant who is unable to pay costs of the physician for taking the blood sample and making required statement may go to any of the established clinics maintained by the state for such examination and certificate or to the town or city physician in the town or city in which said applicant resides, such service to be performed without charge.

**Sec. 5. Exception to the requirement of the physician's certificate.** The physician's certificate as to whether either applicant is infected with communicable syphilis at the time of application for marriage license shall not be required for the granting of such license when the woman states that she is pregnant and the license may be granted whether a report has been received from the laboratory or not and irrespective of what that report shows, but a physician's statement must be filed with the town or city clerk stating that a blood sample has been taken from each applicant.

**Sec. 6. Fee.** All fees and charges of any physician making the necessary examination or examinations of and issuing the necessary certificate to any one party, as herein provided, shall not exceed the sum of \$3 for each person examined.

**Sec. 7. Form sheets, certificates, etc.** The bureau of health in the state department of health and welfare shall arrange and provide the form sheets and certificates required in this act and shall supply without charge such form sheets and certificates upon application, to any duly licensed physician in the state.

**Sec. 8. Right to appeal.** When an applicant has been refused a marriage license, such applicant shall have the right to appeal to the superior court within 90 days from the date of such refusal. The court may try such appeal without the intervention of a jury upon the evidence provided by the certificate or certificates of the medical examiner or examiners, and the decision of such court shall be final.

**Sec. 9. 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 town or city clerk who shall issue a license without the required certificate, or any officer of the bureau of health in 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 3 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 shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not less than 30 days nor more than 90 days in the county jail.

**Sec. 10. 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 discovered by physicians.

**Sec. 11. Amending and repealing clause.** All acts or parts of acts inconsistent herewith are hereby repealed.

**Sec. 12. Saving clause.** If any portion of this act shall be held to be invalid such decision shall not affect the validity of the remaining portions thereof.