

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)

NINETY - SECOND LEGISLATURE

Legislative Document

No. 425

H. P. 821

House of Representatives, February 7, 1945.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Rankin of Bridgton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to the Solemnizing of Marriages.

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

Sec. 1. R. S., c. 153, § 11, amended. Section 11 of chapter 153 of the revised statutes is hereby amended to read as follows:

'Sec. 11. Residents 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~~ **who is a 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, and 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.~~ In the event the applicant shall cease to be an ordained minister of the gospel, a clergyman engaged in the service of the religious body to which he belongs, or a person licensed to preach by an association of ministers, religious seminary, or ecclesiastical body, or a resident of the state, such license shall thereupon terminate and within 10 days thereafter the applicant shall notify the secretary of state to this effect and thereupon the secretary of state shall revoke such license. Such license may also be 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 for each offense, for the use of the town in which the offense occurred, and the state registrar of vital statistics shall enforce the provisions of 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.'

Sec. 2. R. S., c. 153, § 11-A, additional. Chapter 153 of the revised statutes is hereby amended by adding thereto a new section to be numbered 11-A, to read as follows :

'Sec. 11-A. Non-residents authorized to solemnize marriages. The governor may in his discretion designate an ordained minister of the gospel, a clergyman engaged in the service of the religious body to which he belongs, or a person licensed to preach by an association of ministers, religious seminary, or ecclesiastical body, and who resides out of the state, to solemnize a specified marriage, and the secretary of state shall issue to him a certificate of such designation. Such person so designated may solemnize said marriage in any place in the state and such certificate or a certified copy thereof shall be received as evidence in all courts of his authority in the premises.'