

MAINE STATE LEGISLATURE

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

Legislative Document

No. 574

S. P. 213

In Senate, February 6, 1947.

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Dube of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to Marriage After Intentions Are Filed.

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

Sec. 1. R. S., c. 153, § 4, amended. Section 4 of chapter 153 of the revised statutes is hereby amended to read as follows:

'Sec. 4. Intentions of marriage to be recorded. Residents of the state intending to be joined in marriage shall cause notice of their intentions to be recorded in the office of the clerk of the town in which each resides, at least **§ 90** days before a certificate of such intentions is granted; and if one only of the parties resides in the state, they shall cause notice of their intentions to be recorded in the office of the clerk of the town in which such party resides, at least **§ 90** days before such certificate is granted; and if there is no such clerk in the place of their residence, the like entry shall be made with the clerk of an adjoining town; and if both parties reside out of the state they shall cause notice of their intentions to be recorded in the office of the clerk of the town in which such parties propose to have the marriage solemnized, at least **§ 90** days before such certificate is granted; and the book in which such record is made shall be labeled on the outside of its cover, "Record of Intentions of Marriage," and be kept open to public inspection in the office of the clerk.

The provisions of this section shall not apply if on a doctor's certificate it is proved that the woman is pregnant.

Upon application by both of the parties to an intended marriage, when both parties are residents of this state, or both parties are non-residents, or upon application of the party residing within the state when one of the parties is a resident and the other a non-resident, a judge of probate or the judge of a municipal court or trial justice may after hearing such evidence as is presented, grant a certificate stating that in his opinion it is expedient that the intended marriage be solemnized without delay. Upon the presentation of such a certificate, or a copy thereof certified by the clerk of the court by which the certificate was issued, or in extraordinary or emergency cases when the death of either party is imminent, upon the authoritative request of a minister, clergyman, priest, rabbi, or attending physician, the clerk or registrar of the city or town in which the intention to be joined in marriage has been filed shall at once issue the certificate as prescribed in this section.

The 5 days' notice required by the provisions of this section shall not apply to cases in which either of the parties to an intended marriage has arrived as an immigrant from a foreign country within 5 days.'

Sec. 2. R. S., c. 153, § 5, amended. The 1st sentence of section 5 of chapter 153 of the revised statutes is hereby amended to read as follows: 'On and after the 5th 90th 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 be issued, nor to a state, city, or town pauper, when the overseers of such town where the pauper resides, deposit a list of their state, city, or town paupers with the clerk.'