

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 319

H. P. 835

House of Representatives, February 3, 1949

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Williams of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Certificates of Marriage.

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

Sec. 1. R. S., c. 22, § 369, amended. The 2nd paragraph of section 369 of chapter 22 of the revised statutes is hereby amended to read as follows:

Persons filing notice of intention to marry, one or both of whom have previously been married and divorced, shall ~~file~~ submit therewith a certificate of divorce or certified copy of the divorce decree from the clerk of the court by which the divorce was granted. **The clerk shall make a notation on the reverse side of the marriage intention form** 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~~ **be submitted with and noted on each** notice of intention.

Sec. 2. R. S., c. 22, § 369, amended. The 3rd paragraph of section 369 of chapter 22 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Upon the receipt of a return of marriage of a non-resident of the state, the state registrar of vital statistics shall transmit an abstract of such record to the registrar of the state of residence of such non-resident. The abstract shall be in such detail as is available and desired by the several state registrars.'

Sec. 3. R. S., c. 22, § 385, amended. The 1st sentence of section 385 of chapter 22 of the revised statutes is hereby amended to read as follows:

'The clerk of every town shall keep a chronological record of all births, marriages and deaths reported to him or known to him, and shall, between the 10th and the 15th of every month, transmit to the state registrar a copy of the record of all births, marriages and deaths ~~for which have occurred within~~ ~~he has received an original certificate during~~ the month next preceding, together with the names, residences and official stations of all persons who have neglected to make returns to him in relation to the subject matters of such records which the law required them to make, all to be made upon blanks to be prepared and furnished by the state registrar; and if no births, marriages or deaths have occurred in the aforementioned period of time or month for which returns are to be made, the town clerk shall send the state registrar a statement to that effect.'

Sec. 4. R. S., c. 153, § 5, amended. Section 5 of chapter 153 of the revised statutes is hereby amended to read as follows:

Sec. 5. Clerk to give certificate to parties, but not to paupers, nor to minors without consent of parents or guardian; penalty. 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, ~~or persons to whom a court has given custody of such minors~~ first presented, if they have any living; ~~or~~ in the absence of persons qualified to give consent, the judge of probate in the county where such minors reside may, after notice and hearing grant consent; when two licenses are required and when either or both applicants for a marriage license are under the ages specified in this section the written consent shall be given for the issuance of both licenses and such written consent shall be given in the presence of the clerk issuing the license or by acknowledgment under seal filed with such clerk. No certificate shall

be issued to a male or female under 16 years of age without the written consent of their parents, ~~or~~ guardians or persons to whom a court has given custody of such minors 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. Such certificate is void if not used within 1 year 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 the provisions of 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. 5. R. S., c. 153, § 7, amended. Section 7 of chapter 153 of the revised statutes is hereby amended to read as follows:

'Sec. 7. Certificate of marriage out of state to be filed; penalty. When residents of this state go ~~into another~~ outside of the state for the purpose of marriage, and it is there solemnized, and they return to dwell here, they shall, on the blank prepared by the state registrar for that purpose, fill out and file a certificate of their marriage with the clerk of the town in which each of them lived, within 7 days after their return. The clerk shall then record such marriage and make a return of it to the state registrar of vital statistics. Any person who fails to make the report of his marriage as above provided shall forfeit \$20, one-half to the prosecutor and one-half to the town where the forfeit is incurred.'