

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

CHAPTER 686

H.P. 1602 - L.D. 2127

AN ACT to Amend the Waiting Period Between Recording Intentions of Marriage and Receipt of a Marriage License.

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

Sec. 1. 19 MRSA §61, as amended by PL 1973, c. 173, is further amended to read:

§61. Recording of intentions

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 5 3 days before a certificate of such intentions is granted. 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 5 3 days before such certificate is granted. 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. 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 5 3 days before such certificate is granted. 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.

Upon application by both of the parties to an intended marriage, when both parties are residents of this State or both parties are nonresidents, or upon application of the party residing within the State when one of the parties is a resident and the other a nonresident, and upon the payment of a fee of \$10, payable to the Probate, Supreme Judicial, Superior or District Court, a judge of probate, a Justice of the Supreme Judicial or Superior Court or a Judge of the District Court 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 days¹ 3-days¹ notice required by 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 3 days.

Sec. 2. 19 MRSA §62, as amended by PL 1977, c. 11, is further amended to read:

§62. Certificate

On and after the 5th 3rd 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. 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. No such certificate ~~shall~~ may be issued to a male under 18 or to a female under 18 years of age, without the written consent of their parents, guardians or persons to whom a court has given custody of such minors first presented, if they have any living. 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 2 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~~ may be issued to a person under 16 years of age without the written consent of that minor's parents, guardians, or persons to whom a court has given custody of that minor first presented, if the minor has any living, and without that clerk, having notified the Judge of Probate in the county in which the minor resides of the filing of these intentions, and having received in writing the consent from the judge to issue the certificate. If no written consent from the judge has been received by the 10th day from the filing of notice of intentions of marriage, consent shall be deemed to have

been received, and the clerk shall issue the certificate. The Judge of Probate may, in the interest of public welfare, order that no such certificate shall be issued. Any certificate is void if not used within 60 days from the day the intentions are filed in the office of the municipal clerks. 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 this section or falsely states the residence of either party named in the certificate shall forfeit \$20 for each offense.

Effective July 25, 1984.

CHAPTER 687

H.P. 1709 - L.D. 2237

AN ACT to Give the Department of Marine Resources the Authority to Charge Fees for Lobster Trap Tags.

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

12 MRSA §6442 is enacted to read:

§6442. Lobster identification tags; fee authorized

The commissioner may impose a reasonable fee not to exceed 50¢ per tag, for the issuance of lobster trap identification tags in those areas of the State where a lobster trap limit is imposed by law or by regulation.

The fees collected shall be paid to the department. The commissioner shall use these fees for the administration of the lobster trap tag system. Any fees that are unexpended at the end of the fiscal year shall not lapse.

This section is repealed on December 31, 1986.

Effective July 25, 1984.
