

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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members of the Board of Environmental Protection, the following provisions shall apply to the terms of members renominated in 1987 and to those persons nominated to replace members whose terms expire in 1987. One of these nominations shall be for an initial term of 2 years, one shall be for an initial term of 3 years and one shall be for a term of 4 years. The term of any member who has served more than 2 consecutive 4-year terms shall expire at the end of his current term.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 15, 1987.

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## CHAPTER 126

H.P. 1002 — L.D. 1348

### AN ACT to Amend the Marriage Prohibitions Based on Consanguinity.

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

**Sec. 1.** 19 MRSA §31, as amended by PL 1985, c. 181, is repealed and the following enacted in its place:

#### §31. Marriage prohibited and permitted within certain degrees

The following prohibitions and permissions apply to marriages.

1. Prohibitions. No man may marry his mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister, mother's sister, the daughter of his father's brother or sister or the daughter of his mother's brother or sister. No woman may marry her father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother, mother's brother, the son of her father's brother or sister or the son of her mother's brother or sister.

2. Permissions. A man may marry the daughter of his father's brother or sister or the daughter of his mother's brother or sister, and a woman may marry the son of her father's brother or sister or the son of her mother's brother or sister, provided that the man or woman shall provide the physician's certificate of genetic counseling required by sections 61 and 62 prior to marriage.

**Sec. 2.** 19 MRSA §61, as amended by PL 1983, c. 686, §1, is further amended to read by adding after the first paragraph a new paragraph to read:

If the parties recording notice of their intentions to marry are related as described in section 31, subsection 2, the parties shall submit to the clerk at the time of recording their intentions to marry a certificate from a

physician stating that the parties have received genetic counseling from the physician. The physician making the certification required by this paragraph shall sign the certificate.

**Sec. 3.** 19 MRSA §62, as amended by PL 1983, c. 686, §2, is further amended to read:

#### §62. Certificate

On and after the 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 may be issued to parties related as described in section 31, subsection 2, unless the clerk has received from the parties the physician's certificate of genetic counseling required by section 61. No such certificate 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 the 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 the 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 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 September 29, 1987.

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