

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

CHAPTER 111
H.P. 120 - L.D. 138

**An Act To Allow a Nonresident
To Perform a Single Marriage
Ceremony**

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

Sec. 1. 19-A MRSA §654, as amended by PL 2001, c. 574, §5, is further amended to read:

§654. Record of marriages

1. Copy. Every person authorized to unite persons in marriage shall make and keep a record of every marriage solemnized by that person in conformity with the forms and instructions prescribed by the State Registrar of Vital Statistics pursuant to Title 22, section 2701.

2. Return of marriage license. The person who solemnized the marriage shall return ~~each original certificate~~ the marriage license to the clerk who issued the ~~certificate~~ license within 7 working days following the date on which the marriage is solemnized by that person. The clerk and the State Registrar of Vital Statistics each shall retain a copy of the ~~certificate~~ license.

3. Statement including officiant and witnesses. ~~Each certificate and copy~~ The marriage license returned must contain a statement giving the names of the parties united in marriage, place and date of the marriage, the signature of the person by whom the marriage was solemnized and the names of the 2 witnesses. The person who solemnized the marriage shall add the title of the office by virtue of which the marriage was solemnized, the residence of the person who solemnized the marriage and:

- A. The date ordained or authorized by a religious faith to perform marriages;
- B. The date the notary public's commission expires; ~~or~~
- C. The date the lawyer was admitted to the Maine Bar; or
- D. The date the person's temporary registration certificate was issued under section 655, subsection 1-A.

4. Recorded by clerk. The clerk shall record all ~~certificates or copies~~ marriage licenses returned under this section.

Sec. 2. 19-A MRSA §655, sub-§1, ¶A, as amended by PL 2001, c. 574, §6, is further amended to read:

- A. If a resident of this State:
 - (1) A justice or judge;

- (2) A lawyer admitted to the Maine Bar; or
- (4) A notary public under Title 4, chapter 19; ~~and~~

Sec. 3. 19-A MRSA §655, sub-§1, ¶B, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

B. Whether a resident or nonresident of this State and whether or not a citizen of the United States:

- (1) An ordained minister of the gospel;
- (2) A cleric engaged in the service of the religious body to which the cleric belongs; or
- (3) A person licensed to preach by an association of ministers, religious seminary or ecclesiastical body; and

Sec. 4. 19-A MRSA §655, sub-§1, ¶C is enacted to read:

C. A nonresident of the State who has a temporary registration certificate issued by the Office of Data, Research and Vital Statistics pursuant to subsection 1-A.

Sec. 5. 19-A MRSA §655, sub-§1-A is enacted to read:

1-A. Temporary registration certificate. The Office of Data, Research and Vital Statistics may issue a temporary registration certificate to solemnize a marriage ceremony to an individual who is a resident of another state and who is authorized under the laws of that state to solemnize marriages.

A. An individual seeking a temporary registration certificate under this subsection must submit to the Office of Data, Research and Vital Statistics:

- (1) A copy of a valid commission or other indicia of authority to perform marriage ceremonies in the individual's state of residence as proof of existence of the authority;
- (2) A copy of the other state's statute that grants the individual authority to solemnize marriages in that state;
- (3) The names and residences of the 2 parties whose marriage the individual proposes to solemnize and the expected date of the marriage ceremony; and
- (4) A \$100 registration fee.

B. Upon finding that the individual has satisfied the requirements of paragraph A, the Office of Data, Research and Vital Statistics shall issue to the individual a temporary registration certificate authorizing the individual to solemnize the marriage of the parties whose names were provided pursuant to paragraph A, subparagraph (3). The

Office of Data, Research and Vital Statistics may decline to issue a temporary registration certificate if complaints filed against the individual for actions in this State have been substantiated or for other good cause, even if the state in which the individual is authorized to solemnize marriages has not taken disciplinary action.

C. A temporary registration certificate does not authorize the individual to solemnize any marriage other than the marriage of the parties provided pursuant to paragraph A, subparagraph (3).

D. A temporary registration certificate under this subsection expires upon the individual's signing the marriage license or 90 days after issuance, whichever occurs first.

E. The Office of Data, Research and Vital Statistics shall keep a permanent record of all temporary registration certificates issued under this subsection. The records must contain the name and residence of each individual to whom a temporary registration certificate is issued.

See title page for effective date.

CHAPTER 112

H.P. 463 - L.D. 633

**An Act To Update Department
of Defense, Veterans and
Emergency Management Laws**

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

Sec. 1. 37-B MRSA §3, sub-§1, ¶D, as amended by PL 2007, c. 461, §1, is further amended to read:

- D. Have the following powers and duties.
 - (1) The Adjutant General shall administer the department subordinate only to the Governor.
 - (2) The Adjutant General shall establish methods of administration consistent with the law necessary for the efficient operation of the department.
 - (3) The Adjutant General may prepare a budget for the department.
 - (4) The Adjutant General may transfer personnel from one bureau to another within the department.
 - (5) The Adjutant General shall supervise the preparation of all state informational reports required by the federal military establishment.

(6) The Adjutant General shall keep an accurate account of expenses incurred and, in accordance with Title 5, sections 43 to 46, make a full report to the Governor as to the condition of the military forces, and as to all business transactions of the Military Bureau, including detailed statements of expenditures for military purposes.

(7) The Adjutant General is responsible for the custody, care and repair of all military property belonging to or issued to the State for the military forces and shall dispose of military property belonging to the State that is unserviceable. The Adjutant General shall account for and deposit the proceeds from that disposal with the Treasurer of State who shall credit them to the Construction and Capital Repair Account of the Military Bureau.

(8) The Adjutant General may sell for cash to officers of the state military forces, for their official use, and to organizations of the state military forces, any military or naval property that is the property of the State. The Adjutant General shall, with an annual report, render to the Governor an accurate account of the sales and deposit the proceeds of the sales with the Treasurer of State who shall credit them to the General Fund.

(9) The Adjutant General shall represent the state military forces for the purpose of establishing the relationship between the federal military establishment and the various state military staff departments.

(10) The Adjutant General shall accept, receive and administer federal funds for and on behalf of the State that are available for military purposes or that would further the intent and specific purposes of this chapter and chapter 3.

(11) The Adjutant General shall acquire, construct, operate and maintain military facilities necessary to comply with this Title and Title 32 of the United States Code and shall operate and maintain facilities now within or hereafter coming within the jurisdiction of the Military Bureau.

(12) The Adjutant General may adopt rules pertaining to compliance with state and federal contracting requirements, subject to Title 5, chapter 375. Those rules must provide for approval of contracts by the appropriate state agency.

(13) The Adjutant General shall allocate and supervise any funds made available by the Legislature to the Civil Air Patrol.