

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
H.P. 47 - L.D. 83

An Act Concerning the Filing of Marriage Licenses and the Recording of Intentions as Part of the Electronic Vital Records System

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

Sec. 1. 19-A MRSA §651, sub-§2, as repealed and replaced by PL 2021, c. 49, §1, is amended to read:

2. Application. The parties wishing to record notice of their intentions of marriage shall submit an application for recording notice of their intentions of marriage. The application may be issued to any 2 persons otherwise qualified under this chapter regardless of the sex of each person if the clerk or State Registrar of Vital Statistics is satisfied as to the identity of the applicants. The application must include a signed certification that the information recorded on the application is correct and that the applicant is free to marry according to the laws of this State. If either party intends to change that party's name upon marriage, the application must include the proposed new name of that party. The applicant's signature must be acknowledged before an official authorized to take oaths. An electronic copy of the completed application must be attached to the marriage record in the electronic system specified by the State Registrar of Vital Statistics. An application recording notice of intention to marry is not open for public inspection for 50 years from the date of the application except that:

- A. The names of the parties for whom intentions to marry are filed and the intended date of marriage are public records and open for public inspection; and
- B. A person with a researcher identification card under Title 22, section 2706, subsection 8 is permitted to inspect records and may be issued a noncertified copy of an application.

Sec. 2. 19-A MRSA §652, sub-§5, as amended by PL 2001, c. 354, §3 and PL 2003, c. 689, Pt. B, §6, is repealed.

Sec. 3. 19-A MRSA §653, sub-§1, as amended by PL 2019, c. 340, §12, is further amended to read:

1. Filing; enter notice. A person who believes that parties are about to contract marriage when either of them ~~can not~~ cannot lawfully do so may file a caution and the

reasons for the caution in the office of the clerk where notice of their intentions is required to be filed or with the State Registrar of Vital Statistics. If either party applies to enter notice of their intentions, the clerk or State Registrar of Vital Statistics shall withhold the license until the judge of probate from the county involved approves the marriage. If the license has already been issued and the parties have not yet been married, the office of the clerk or the State Registrar of Vital Statistics shall notify the parties that they may not marry until the judge of probate from the county involved approves the marriage.

Sec. 4. 19-A MRSA §654, sub-§2, as amended by PL 2019, c. 340, §13, is further amended to read:

2. Return of marriage license. The parties or the person who solemnized the marriage shall return the marriage license to the State Registrar of Vital Statistics or the clerk who issued the license within 7 15 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 license. If a marriage license is returned later than 15 working days following the date on which the marriage is solemnized, the marriage must be marked as a late filing.

Sec. 5. 19-A MRSA §654, sub-§4, as amended by PL 2019, c. 340, §13, is further amended to read:

4. Recorded by clerk or State Registrar of Vital Statistics. The clerk or State Registrar of Vital Statistics shall ~~record all~~ attach electronic copies of the completed marriage licenses returned under this section in the electronic system specified by the State Registrar of Vital Statistics.

Sec. 6. 19-A MRSA §656, sub-§2, as amended by PL 2021, c. 49, §2, is further amended to read:

2. Completed license; ceremony performed. Each marriage license issued must be completed and the certification statement signed by both parties to the intended marriage. The parties' signatures may be obtained at issuance or at the time the marriage is solemnized. The completed license or licenses must be delivered by the parties to the person solemnizing the marriage. Upon completion of the solemnization, which must be performed in the presence of at least 2 witnesses other than the person officiating, the person officiating and the 2 witnesses shall sign the license or licenses, which are then known as the marriage certificate or certificates, and the parties are considered legally married.

Sec. 7. 19-A MRSA §660, as enacted by PL 2015, c. 193, §1, is amended by amending the section headnote to read:

§660. ~~Late-filed application for certificate of~~ Delayed marriage registration

Sec. 8. 19-A MRSA §660, as enacted by PL 2015, c. 193, §1, is amended by enacting a new first paragraph to read:

In order to provide an official record of statements concerning marriages that have occurred in this State, the State Registrar of Vital Statistics must accept a registration of any marriage for which no record can be found in either the files of the State Registrar of Vital Statistics or the clerk of the municipality where the marriage license was issued or in

the municipality where the marriage occurred, as long as such registration is filed in accordance with this section.