

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND NINETEEN

H.P. 1284 - L.D. 1803

**An Act To Update the Laws Regarding Death and Marriage Records**

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

**Sec. 1. 19-A MRSA §650, first ¶**, as enacted by PL 1997, c. 65, §2, is amended to read:

All municipal clerks, the State Registrar of Vital Statistics and courts of this State shall have a duty and shall be are legally required to construe the provisions of Maine's marriage laws in accordance with the following findings and purposes:

**Sec. 2. 19-A MRSA §650, sub-§1, ¶A**, as enacted by PL 1997, c. 65, §2, is amended to read:

A. The union of ~~one man and one woman~~ 2 people joined in ~~traditional a~~ monogamous marriage is of inestimable value to society; the State has a compelling interest to nurture and promote the unique institution of ~~traditional~~ monogamous marriage in the support of harmonious families and the physical and mental health of children; and ~~that~~ the State has the compelling interest in promoting the moral values inherent in ~~traditional a~~ monogamous marriage.

**Sec. 3. 19-A MRSA §650, sub-§2, ¶¶A to C**, as enacted by PL 1997, c. 65, §2, are amended to read:

A. To encourage ~~the traditional a~~ monogamous family unit as the basic building block of our society, the foundation of harmonious and enriching family life;

B. To nurture, sustain and protect ~~the traditional a~~ monogamous family unit in Maine society, its moral imperatives, its economic function and its unique contribution to the rearing of healthy children; and

C. To support and strengthen ~~traditional~~ monogamous Maine families against improper interference from out-of-state influences or edicts.

**Sec. 4. 19-A MRSA §651, sub-§1**, as amended by PL 2001, c. 574, §2, is further amended to read:

**1. Place of recording.** Residents of the State intending to be joined in marriage shall record notice of their intentions in the office of the clerk of the municipality in which at least one of them resides or with the State Registrar of Vital Statistics. If only one of the parties resides in the State, the parties shall record notice of their intentions in the office of the clerk of the municipality in which the resident party resides or with the State Registrar of Vital Statistics. If there is no clerk in the place of their residence, the notice must be filed with the clerk of an adjoining municipality or with the State Registrar of Vital Statistics. If both parties to a marriage reside outside the State, they must file intentions in any municipal office or with the State Registrar of Vital Statistics. Once the intentions are filed and the license is issued, the parties are free to marry anywhere within the State.

**Sec. 5. 19-A MRS §651, sub-§2**, as repealed and replaced by PL 2013, c. 424, Pt. B, §5, 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. The applicant's signature must be acknowledged before an official authorized to take oaths. 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. 6. 19-A MRS §651, sub-§§3 and 4**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

**3. Related parties.** If the parties recording notice of their intentions to marry are related as described in section 701, subsection 2, the parties shall submit to the clerk or the State Registrar of Vital Statistics, 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 subsection shall sign the certificate.

**4. Prior marriages.** Persons recording notice of intention to marry, either of whom has been previously married, shall submit with the application a certificate or certified copy of the divorce decree or annulment of the last marriage or the death record of the last spouse. If both have been previously married, both shall submit the certificates or certified copies. The clerk or State Registrar of Vital Statistics shall make a notation on the ~~reverse side of the~~ application under subsection 2 showing the title and location of the

courts, the names of the parties to the proceeding for the divorces or annulments and the date when the decrees became absolute. In the case of a death of a former spouse, the clerk or State Registrar of Vital Statistics shall show the name of the deceased along with the date and place of death.

**Sec. 7. 19-A MRSA §651, sub-§6**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**6. Resident defined.** For the purposes of this chapter, "resident" means a person whose habitation is fixed in a place within this State and to which that person, whenever temporarily absent, has the intention to return. A person is a resident of a municipality if the place of habitation is within that particular municipality. The clerk of a municipality or the State Registrar of Vital Statistics shall consider a person who qualifies as a resident under Title 21-A, section 112 for voting purposes a resident for the purposes of this chapter.

**Sec. 8. 19-A MRSA §652, sub-§1**, as amended by PL 2001, c. 574, §3, is further amended to read:

**1. Marriage license issued.** After the filing of notice of intentions of marriage, except as otherwise provided, the clerk or the State Registrar of Vital Statistics shall deliver to the parties a marriage license specifying the time when the intentions were recorded.

**Sec. 9. 19-A MRSA §652, sub-§3**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**3. Void after 90 days.** The license is void if not used within 90 days from the day the intentions were filed in ~~the offices of the municipal clerks as specified in~~ accordance with section 651.

**Sec. 10. 19-A MRSA §652, sub-§§6 and 7**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

**6. Related parties.** A marriage license may not be issued to parties related as described in section 701, subsection 2, unless the clerk or State Registrar of Vital Statistics has received from the parties the physician's certificate of genetic counseling required by section 651.

**7. Parties under 18 years of age.** A marriage license may not be issued to persons under 18 years of age without the written consent of their parents, guardians or persons to whom a court has given custody. In the absence of persons qualified to give consent, the judge of probate in the county where each minor resides may grant consent after notice and opportunity for hearing. ~~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 must be given for the issuance of both licenses in the presence of the clerk issuing the licenses or by acknowledgment under seal filed with that clerk.~~

**Sec. 11. 19-A MRSA §652, sub-§8**, as amended by PL 1997, c. 683, Pt. E, §5 and affected by §6, is further amended to read:

**8. Parties under 16 years of age.** The clerk or State Registrar of Vital Statistics may not issue a marriage license to a person under 16 years of age without:

- A. The written consent of that minor's parents, guardians or persons to whom a court has given custody;
- B. Notifying the judge of probate in the county in which the minor resides of the filing of this intention; and
- C. Receipt of that judge of probate's written consent to issue the license. The judge of probate shall base a decision on whether to issue consent on the best interest of the parties under 16 years of age and shall consider the age of both parties and any criminal record of a party who is 18 years of age or older. The judge of probate, in the interest of public welfare, may order, after notice and opportunity for hearing, that a license not be issued. The judge of probate shall issue a decision within 30 days of receiving the notification under paragraph B.

**Sec. 12. 19-A MRSA §653, sub-§§1 and 2**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

**1. Filing; enter notice.** A person who believes that parties are about to contract marriage when either of them can not 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.

**2. Procedure.** Before the judge of probate may approve a marriage, the court must give due notice and an opportunity to be heard to all concerned parties. The judge of probate shall determine whether the parties may lawfully contract marriage within 7 days unless the judge of probate certifies that further time is necessary for that purpose. In that case, a license must be withheld until the expiration of the certified time. The clerk or State Registrar of Vital Statistics shall deliver or withhold the license in accordance with the final decision of the judge of probate.

**Sec. 13. 19-A MRSA §654, sub-§§2 and 4**, as amended by PL 2011, c. 111, §1, are further amended to read:

**2. Return of marriage license.** 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 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.

**4. Recorded by clerk or State Registrar of Vital Statistics.** The clerk or State Registrar of Vital Statistics shall record all marriage licenses returned under this section.

**Sec. 14. 19-A MRSA §701, sub-§4**, as repealed and replaced by PL 2007, c. 695, Pt. C, §4, is amended to read:

**4. Polygamy.** A marriage contracted while either party has a living ~~wife or husband~~ spouse from whom the party is not divorced is void.

**Sec. 15. 19-A MRSA §701, sub-§6** is enacted to read:

**6. Marriage void.** A marriage contracted when either party has failed to submit a certificate or certified copy of the divorce decree or annulment of the last marriage or the death record of the last spouse or when either party has intentionally lied about the number of previous marriages is void.

**Sec. 16. 22 MRSA §2842, sub-§5** is enacted to read:

**5. Correction of certificate of death.** A certificate of death filed in accordance with this section may be completed or amended at any time by means described in rules adopted by the department. The health care provider who certified the death in accordance with subsection 2-A may sign the forms, submit an electronic amendment or file a certificate using the electronic death registration system in accordance with section 2847. A health care provider may amend a certificate of death with respect to the time, date, place and circumstances of death. Forms or electronic amendments may be filed at any time after death.