

TESTIMONY OF ALICIA REA, ESQ.
LD 83 – Ought To Pass

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

Joint Standing Committee on Judiciary
February 5, 2025

Senator Carney, Representative Kuhn and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Alicia Rea and I am a Policy Fellow at the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I hope you will support this bill, particularly changes to § 652, part 5.

LD 83 specifies that municipal clerks are no longer required to give to all marrying parties the Department of Health and Human Services' brochure about the effects of alcohol and drugs on a fetus. Removing this requirement makes it clear that the State of Maine supports all marriages, including ones that cannot result in pregnancy.

Marriage is a fundamental right,¹ and the government cannot impose conditions without substantial justification. The brochure requirement applies universally to all couples, regardless of whether they plan to have children or can conceive. This broad application lacks a rational basis – imposing the burden of receiving this brochure on all couples, including those who are same-sex, unable to conceive, or uninterested in conceiving, is too broad of an administration. As the Supreme Court of the United States noted in *Obergefell*, “[a]n ability, desire, or promise to procreate is not and has not been a prerequisite for a valid marriage in any State.”²

Removing this provision not only conform with constitutional expectations – it signals that the State recognizes all marriages, which have been legal in the state since 2012. We urge you to pass LD 83 for these reasons.

Thank you for your time and attention.

¹ *Obergefell v. Hodges*, 576 U.S. 644, 675 (2015).

² *Id.* at 669.