

CHAPTER 23

MARRIAGE

SUBCHAPTER 1

GENERAL PROVISIONS

§650. Findings and purposes

All municipal clerks, the State Registrar of Vital Statistics and courts of this State have a duty and are legally required to construe the provisions of Maine's marriage laws in accordance with the following findings and purposes: [PL 2019, c. 340, §1 (AMD).]

1. Findings. The people of the State of Maine find that:

A. The union of 2 people joined in a monogamous marriage is of inestimable value to society; the State has a compelling interest to nurture and promote the unique institution of monogamous marriage in the support of harmonious families and the physical and mental health of children; and the State has the compelling interest in promoting the moral values inherent in a monogamous marriage. [PL 2019, c. 340, §2 (AMD).]

[PL 2019, c. 340, §2 (AMD).]

2. Purposes. The purposes of this chapter are:

A. To encourage a monogamous family unit as the basic building block of our society, the foundation of harmonious and enriching family life; [PL 2019, c. 340, §3 (AMD).]

B. To nurture, sustain and protect a monogamous family unit in Maine society, its moral imperatives, its economic function and its unique contribution to the rearing of healthy children; and [PL 2019, c. 340, §3 (AMD).]

C. To support and strengthen monogamous Maine families against improper interference from out-of-state influences or edicts. [PL 2019, c. 340, §3 (AMD).]

[PL 2019, c. 340, §3 (AMD).]

SECTION HISTORY

PL 1997, c. 65, §2 (NEW). PL 2019, c. 340, §§1-3 (AMD).

§650-A. Codification of marriage

Marriage is the legally recognized union of 2 people. Gender-specific terms relating to the marital relationship or familial relationships must be construed to be gender-neutral for all purposes throughout the law, whether in the context of statute, administrative or court rule, policy, common law or any other source of civil law. [IB 2011, c. 1, §1 (NEW).]

SECTION HISTORY

IB 2011, c. 1, §1 (NEW).

§650-B. Recognition of marriage licensed and certified in another jurisdiction

A marriage of a same-sex couple that is validly licensed and certified in another jurisdiction is recognized for all purposes under the laws of this State. [IB 2011, c. 1, §2 (NEW).]

SECTION HISTORY

IB 2011, c. 1, §2 (NEW).

§651. Recording of intentions

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.
[PL 2019, c. 340, §4 (AMD).]

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 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 [PL 2021, c. 49, §1 (RPR).]

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. [PL 2021, c. 49, §1 (RPR).]

[PL 2021, c. 49, §1 (RPR).]

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.
[PL 2019, c. 340, §6 (AMD).]

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 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.
[PL 2019, c. 340, §6 (AMD).]

5. Recognition of foreign divorces. A record of divorce from another state or foreign country is evidence of divorce. If the record is not in English, the record must be translated into English by a disinterested 3rd person at the parties' expense.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

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.

[PL 2019, c. 340, §7 (AMD).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 537, §12 (AMD). PL 1997, c. 537, §62 (AFF). PL 2001, c. 574, §2 (AMD). IB 2011, c. 1, §3 (AMD). PL 2011, c. 511, §1 (AMD). PL 2013, c. 424, Pt. B, §5 (AMD). PL 2019, c. 82, §1 (AMD). PL 2019, c. 340, §§4-7 (AMD). PL 2021, c. 49, §1 (AMD).

§652. Issuance of marriage license

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.

[PL 2019, c. 340, §8 (AMD).]

2. Marriage license to nonresidents.

[PL 2001, c. 574, §4 (RP).]

3. Void after 90 days. The license is void if not used within 90 days from the day the intentions were filed in accordance with section 651.

[PL 2019, c. 340, §9 (AMD).]

4. Expedited procedure.

[PL 2001, c. 574, §4 (RP).]

5. Informational brochure. A marriage license may not be issued until a brochure prepared by the Department of Health and Human Services concerning the effects of alcohol and drugs on fetuses has been given to both parties. The department is responsible for making the brochures available to municipal clerks for distribution.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF); PL 2001, c. 354, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

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.

[PL 2019, c. 340, §10 (AMD).]

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.

[PL 2019, c. 340, §10 (AMD).]

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.

A. [PL 2019, c. 535, §1 (RP).]

B. [PL 2019, c. 535, §1 (RP).]

C. [PL 2019, c. 535, §1 (RP).]

[PL 2019, c. 340, §11 (AMD); PL 2019, c. 535, §1 (AMD).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 507, §1 (AMD). PL 1997, c. 507, §4 (AFF). PL 1997, c. 683, §E5 (AMD). PL 1997, c. 683, §E6 (AFF). PL 2001, c. 354, §3 (AMD). PL 2001, c. 574, §§3,4 (AMD). PL 2003, c. 689, §B6 (REV). PL 2019, c. 340, §§8-11 (AMD). PL 2019, c. 535, §1 (AMD).

§653. Filing of cautions

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.

[PL 2019, c. 340, §12 (AMD).]

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.

[PL 2019, c. 340, §12 (AMD).]

3. Judgment for costs. If the judge of probate determines that the parties may lawfully contract marriage, the judge shall enter judgment against the person filing the caution for costs and issue execution for costs.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2019, c. 340, §12 (AMD).

§654. Record of marriages

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

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.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

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.

[PL 2019, c. 340, §13 (AMD).]

3. Statement including officiant and witnesses. The marriage license returned must contain a statement giving the names of the parties united in marriage, place and date of the marriage, the new name of either party if either party intends to change that party's name, 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; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

B. **(TEXT EFFECTIVE UNTIL 7/01/23)** The date the notary public's commission expires; [PL 2011, c. 111, §1 (AMD).]

B. **(TEXT EFFECTIVE 7/01/23)** The date the marriage officiant's license expires; [PL 2021, c. 651, Pt. B, §3 (AMD); PL 2021, c. 651, Pt. B, §7 (AFF).]

C. The date the lawyer was admitted to the Maine Bar; or [PL 2011, c. 111, §1 (AMD).]

D. The date the person's temporary registration certificate was issued under section 655, subsection 1-A. [PL 2011, c. 111, §1 (NEW).]

[PL 2019, c. 82, §2 (AMD); PL 2021, c. 651, Pt. B, §3 (AMD); PL 2021, c. 651, Pt. B, §7 (AFF).]

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. [PL 2019, c. 340, §13 (AMD).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2001, c. 574, §5 (AMD). PL 2011, c. 111, §1 (AMD). PL 2019, c. 82, §2 (AMD). PL 2019, c. 340, §13 (AMD). PL 2021, c. 651, Pt. B, §3 (AMD). PL 2021, c. 651, Pt. B, §7 (AFF).

§655. Authorization; penalties

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Persons authorized to solemnize marriages. The following may solemnize marriages in this State:

A. If a resident of this State:

(1) A justice or judge;

(2) A lawyer admitted to the Maine Bar; or

(4) **(TEXT EFFECTIVE UNTIL 7/01/23) (TEXT REPEALED 7/01/23)** A notary public under Title 4, chapter 19;

(5) **(TEXT EFFECTIVE 7/01/23)** A marriage officiant under Title 5, section 90-G; [PL 2021, c. 651, Pt. B, §§4, 5 (AMD); PL 2021, c. 651, Pt. B, §7 (AFF).]

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 [PL 2011, c. 111, §3 (AMD).]

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. [PL 2011, c. 111, §4 (NEW).] [PL 2011, c. 111, §§2-4 (AMD); PL 2021, c. 651, Pt. B, §§4, 5 (AMD); PL 2021, c. 651, Pt. B, §7 (AFF).]

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. [PL 2011, c. 111, §5 (NEW).]

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. [PL 2011, c. 111, §5 (NEW).]

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). [PL 2011, c. 111, §5 (NEW).]

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. [PL 2011, c. 111, §5 (NEW).]

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. [PL 2011, c. 111, §5 (NEW).]

[PL 2011, c. 111, §5 (NEW).]

2. Enforcement. The State Registrar of Vital Statistics shall enforce this section as far as it comes within the state registrar's power and shall notify the district attorney of the county in which the penalty should be enforced of the facts that have come to the state registrar's knowledge. Upon receipt of this notice, the district attorney shall prosecute the person who violated this section.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

3. Religious exemption. This chapter does not require any member of the clergy to perform or any church, religious denomination or other religious institution to host any marriage in violation of the religious beliefs of that member of the clergy, church, religious denomination or other religious institution. The refusal to perform or host a marriage under this subsection cannot be the basis for a lawsuit or liability and does not affect the tax-exempt status of the church, religious denomination or other religious institution.

[IB 2011, c. 1, §4 (NEW).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2001, c. 574, §6 (AMD). PL 2011, c. 111, §§2-5 (AMD). IB 2011, c. 1, §4 (AMD). PL 2021, c. 651, Pt. B, §§4, 5 (AMD). PL 2021, c. 651, Pt. B, §7 (AFF).

§656. License

1. Contents of license. A marriage license must have conspicuously printed on it the following words: "The laws of Maine provide that only authorized persons may solemnize marriages in this State."

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

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.

[PL 2021, c. 49, §2 (AMD).]

3. Name change. If the marriage license indicates that a party intends to change that party's name under section 654, subsection 3, the new name indicated on the license becomes effective upon completion of the marriage license pursuant to subsection 2.

[PL 2019, c. 82, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2019, c. 82, §3 (AMD). PL 2021, c. 49, §2 (AMD).

§657. Lack of jurisdiction or authority

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/01/23)

A marriage, solemnized before any known inhabitant of the State professing to be a justice, judge, notary public or an ordained or licensed minister of the gospel, is not void, nor is its validity affected by any want of jurisdiction or authority in the justice, judge, notary or minister or by any omission or informality in entering the intention of marriage, if the marriage is in other respects lawful and consummated with a full belief, on the part of either of the persons married, that they are lawfully married. [PL 2001, c. 574, §7 (AMD).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2001, c. 574, §7 (AMD).

§657. Lack of jurisdiction or authority

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/01/23)

A marriage, solemnized before any known inhabitant of the State professing to be a justice, judge, lawyer admitted to the Maine Bar or marriage officiant or an ordained or licensed minister of the gospel, is not void, nor is its validity affected by any want of jurisdiction or authority in the justice, judge, lawyer, marriage officiant or minister or by any omission or informality in entering the intention of marriage, if the marriage is in other respects lawful and consummated with a full belief, on the part of either of the persons married, that they are lawfully married. [PL 2021, c. 651, Pt. B, §6 (AMD); PL 2021, c. 651, Pt. B, §7 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2001, c. 574, §7 (AMD). PL 2021, c. 651, Pt. B, §6 (AMD). PL 2021, c. 651, Pt. B, §7 (AFF).

§658. Quaker; Baha'i

A marriage solemnized among Quakers or Friends, in the form practiced in their meeting, or solemnized among members of the Baha'i faith according to the rules and principles of the Baha'i faith, is valid and not affected by this subchapter. The clerk or the keeper of the records of the meeting or ceremony in which a marriage is solemnized shall return evidence of the solemnization of the marriage as provided in section 654. A person who willfully neglects or refuses to perform the duty imposed upon that person by this section commits a civil violation for which a forfeiture not to exceed \$100 for

each offense may be adjudged for the use of the municipality in which the offense occurred. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF).

§659. Penalties

1. Solemnization without authorization. A person who solemnizes a marriage when not authorized to do so under section 655 commits a civil violation for which a forfeiture not to exceed \$100 for each offense may be adjudged. Forfeitures collected must be distributed to the municipality in which the offense occurred.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

2. Solemnization contrary to chapter. A person who intentionally or knowingly joins persons in marriage in violation of this chapter commits a civil violation for which a forfeiture of \$100 may be adjudged. The person may not join persons in marriage after being adjudicated as violating this subsection.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

3. Violation by party to the marriage. A person who contracts a marriage in violation of this chapter commits a civil violation for which a forfeiture of \$100 may be adjudged. A person who makes false representations to obtain a marriage license or to cause the solemnization of marriage in violation of this chapter commits a civil violation for which a forfeiture of \$100 may be adjudged.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

4. Violation by clerk. The clerk of a municipality who intentionally violates this chapter or falsely states the residence of either of the parties named in the license or certificate commits a civil violation for which a forfeiture of \$20 for each offense may be adjudged.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF).

§660. Late-filed application for certificate of marriage

1. Application. The parties, or the legal representatives of the parties, to a marriage that occurred more than one year previously may apply for a certificate of marriage under this section by submitting to the State Registrar of Vital Statistics the following:

A. The license and certification statement completed in accordance with section 656; [PL 2015, c. 193, §1 (NEW).]

B. The required filing fee; and [PL 2015, c. 193, §1 (NEW).]

C. An application for a certificate of marriage, which must include, if available, a copy of the marriage intentions obtained from the clerk of the municipality where the intentions were filed and other documents specified in rules adopted by the State Registrar of Vital Statistics. [PL 2015, c. 193, §1 (NEW).]

[PL 2015, c. 193, §1 (NEW).]

2. Indication of date of filing. The certificate of marriage issued under this section must be marked "delayed" and must indicate the date that the certificate of marriage was filed.

[PL 2015, c. 193, §1 (NEW).]

3. Rules. The State Registrar of Vital Statistics shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[PL 2015, c. 193, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 193, §1 (NEW).

SUBCHAPTER 2

RESTRICTIONS

§701. Prohibited marriages; exceptions

1. Marriage out of State to evade law. When residents of this State, with intent to evade this section and to return and reside here, go into another state or country to have their marriage solemnized there and afterwards return and reside here, that marriage is void in this State.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

1-A. Certain marriages performed in another state not recognized in this State. Any marriage performed in another state that would violate any provisions of subsections 2 to 4 if performed in this State is not recognized in this State and is considered void if the parties take up residence in this State. [IB 2011, c. 1, §5 (AMD).]

2. Prohibitions based on degrees of consanguinity; exceptions. This subsection governs marriage between relatives.

A. A man may not 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. A woman may not 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. A person may not marry that person's parent, grandparent, child, grandchild, sibling, nephew, niece, aunt or uncle. [IB 2011, c. 1, §5 (AMD).]

B. Notwithstanding paragraph A, 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 as long as, pursuant to sections 651 and 652, the man or woman provides the physician's certificate of genetic counseling. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]
[IB 2011, c. 1, §5 (AMD).]

3. Persons subject to guardianship. A person for whom a guardian or limited guardian has been appointed under Title 18-C, section 5-301 may not contract marriage without the approval of the appointed guardian. For persons under limited guardianship, this subsection applies only if the court has granted the specific power to contract for marriage to the guardian.

A. [PL 2011, c. 542, Pt. A, §20 (RP).]

B. [PL 2011, c. 542, Pt. A, §20 (RP).]

[PL 2017, c. 402, Pt. C, §35 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

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

[PL 2019, c. 340, §14 (AMD).]

5. Same sex marriage prohibited. (REPEALED)

[IB 2011, c. 1, §5 (RP).]

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. [PL 2019, c. 340, §15 (NEW).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 65, §3 (AMD). PL 2007, c. 695, Pt. C, §4 (AMD). IB 2011, c. 1, §5 (AMD). PL 2011, c. 542, Pt. A, §20 (AMD). PL 2017, c. 402, Pt. C, §35 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 340, §§14, 15 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF).

SUBCHAPTER 3

VOID MARRIAGES AND ANNULMENT

§751. Certain marriages void without process

The following marriages are void and dissolved without legal process: [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

1. Solemnized in State. A marriage prohibited in section 701, if solemnized in this State. [PL 2009, c. 96, §1 (AMD).]

2. Final judgment. [PL 2009, c. 96, §1 (RP).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2009, c. 96, §1 (AMD).

§752. Annulment of illegal marriages

1. Complaint; court order. When the validity of a marriage is doubted, either party may file a complaint for annulment. The court shall order the marriage annulled or affirmed according to the evidence. The court's order does not affect the rights of the defendant unless the defendant was actually notified of the action or answered the complaint. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

2. Parental rights and responsibilities. The court entering an order for annulment may make an order awarding parental rights and responsibilities with respect to a minor child of the parties in accordance with chapter 55. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

3. Name change. Upon the request of either spouse to change that person's own name, the court, when entering judgment for annulment:

A. Shall change the name of that spouse to a former name requested; or [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

B. May change the name of that spouse to any other name requested. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

4. Finalization. The trial court may, upon motion for entry of final judgment during the pendency of the appeal period, grant a final judgment of annulment between the parties if the court expressly finds that there is not just cause for delay and entry of judgment will not prejudice the legal or equitable rights of a party during the pendency of an appeal. The filing of a motion under this subsection does

not stay an award of child or spousal support or parental rights and responsibilities, except by order of the court under the Maine Rules of Civil Procedure.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

5. Annulment because of prior marriage. When a marriage is annulled due to a prior marriage, and the party who was capable of contracting the 2nd marriage contracted the 2nd marriage in good faith, believing that the prior spouse was dead, the former marriage was void or a divorce had been decreed leaving the party to the former marriage free to marry again, that fact must be stated in the decree of nullity.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF).

§753. Action to void marriage

If, after a marriage has been solemnized, the State Registrar of Vital Statistics determines that the parties are not eligible to be married because the age or other requirements provided in this chapter are not satisfied, the state registrar may file an action in District Court to void the marriage. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF).

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