

§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).

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