



132nd MAINE LEGISLATURE

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Legislative Document

No. 83

H.P. 47

House of Representatives, January 8, 2025

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

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Received by the Clerk of the House on January 6, 2025. Referred to the Committee on
Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint
Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KUHN of Falmouth.

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

2 **Sec. 1. 19-A MRSA §651, sub-§2**, as repealed and replaced by PL 2021, c. 49, §1,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

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

17 A. The names of the parties for whom intentions to marry are filed and the intended
18 date of marriage are public records and open for public inspection; and

19 B. A person with a researcher identification card under Title 22, section 2706,
20 subsection 8 is permitted to inspect records and may be issued a noncertified copy of
21 an application.

22 **Sec. 2. 19-A MRSA §652, sub-§5**, as amended by PL 2001, c. 354, §3 and PL
23 2003, c. 689, Pt. B, §6, is repealed.

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

26 **1. Filing; enter notice.** A person who believes that parties are about to contract
27 marriage when either of them ~~can not~~ cannot lawfully do so may file a caution and the
28 reasons for the caution in the office of the clerk where notice of their intentions is required
29 to be filed or with the State Registrar of Vital Statistics. If either party applies to enter
30 notice of their intentions, the clerk or State Registrar of Vital Statistics shall withhold the
31 license until the judge of probate from the county involved approves the marriage. If the
32 license has already been issued and the parties have not yet been married, the office of the
33 clerk or the State Registrar of Vital Statistics shall notify the parties that they may not marry
34 until the judge of probate from the county involved approves the marriage.

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

37 **2. Return of marriage license.** The parties or the person who solemnized the
38 marriage shall return the marriage license to the State Registrar of Vital Statistics or the
39 clerk who issued the license within 7 working days following the date on which the
40 marriage is solemnized by that person. The clerk and the State Registrar of Vital Statistics
41 each shall retain a copy of the license. If a marriage license is returned later than 90 working
42 days following the date on which the marriage is solemnized, the marriage must be marked
43 as a delayed filing.

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

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

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

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

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

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

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

23 In order to provide an official record of statements concerning marriages that have
24 occurred in this State, the State Registrar of Vital Statistics must accept a registration of
25 any marriage for which no record can be found in either the files of the State Registrar of
26 Vital Statistics or the clerk of the municipality where the marriage license was issued or in
27 the municipality where the marriage occurred, as long as such registration is filed in
28 accordance with this section.

29 **SUMMARY**

30 This bill clarifies requirements for parties applying for and filing marriage licenses,
31 including registrations that have been delayed and for which there is no record, and aligns
32 current practices by requiring electronic filing of those parties' intentions in the State's vital
33 records system. The bill also specifies that municipal clerks are no longer required to give
34 to all marrying parties the Department of Health and Human Services' brochure about the
35 effects of alcohol and drugs on a fetus.