

MARRIAGE, PART I AGENDA

- Responsibilities of the Department and Municipal Clerk's
- Registration of Marriages
- Electronic Marriage Registration System (EMRS)
- Marriage Intentions
- Filing a Caution
- Related Parties
- Prior Marriages
- Parties under 18
- Marriage Intentions Checklist





2

UGUST 2



REGISTRATION OF MARRIAGES

Marriage registration includes several steps:

- ✓ filing intentions,
- ✓ issuing the marriage license, and
- ✓ filing the marriage certificate after the ceremony has been performed.

There are several situations in which additional documents are required.

The Department provides information and forms related to marriage for the public on DRVS website at:

https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml

RRIAGES IN MAINE

3

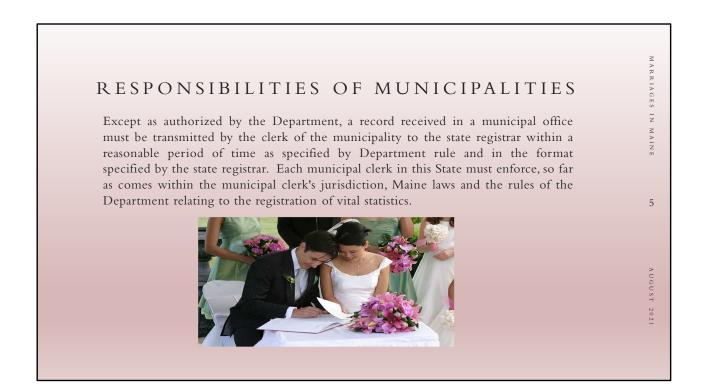
UGUST 20

RESPONSIBILITIES OF THE DEPARTMENT

The Department is responsible for prescribing and furnishing marriage intentions (VS-2A), marriage license (VS-2B) and marriage certificate (VS-2) forms, and for the general supervision of the issuance of marriage licenses and recording of marriages, as well as the enforcement of the laws relating to the actual solemnization of marriages by officiants such as notaries, members of the Maine bar, members of the clergy, and temporary officiants.



http://www.mainelegislature.org/legis/statutes/22/title22sec2701.html



http://www.mainelegislature.org/legis/statutes/22/title22sec2702.html



The EMRS is one of the modules in the DAVE system and contains marriage records from 2017 to present. When parties get married in the State of Maine, regardless of their gender, the marriage certificate must be filed and registered in the Electronic Marriage Registration System (EMRS) maintained by the State Registrar of Vital Statistics. Municipal clerks who do not have access to the EMRS should contact the Department to obtain a username and password to access the system and available training options. Please contact the helpdesk by calling (207) 287-5447 or via e-mail at EDRS.DHHS@maine.gov.

MARRIAGE INTENTION A	PPLICATION
The marriage intention application (VS-2A) was revised in September of 2019 to include the parties legal name after marriage. If a party intends to change that party's name upon marriage, the marriage intentions application must include the proposed new name of that party. Older versions of the marriage intention form should not be accepted. The marriage intentions form is three (3) pages; one page for each party along with instructions and requirements on the third page.	Department of Houles and Human Services Intention of Human Services Intention Intent

Municipal clerks may obtain the marriage intention application <u>under "Forms, Print Forms"</u> in the Database Application for Vital Events (DAVE) system or on the Department's website <u>at https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml</u>.

REQUIRED INFORMATION ON MARRIAGE INTENTIONS

- All_of the information on the "Intentions of Marriage" (VS-2A) concerning the parties must be complete. This includes their place of residence, date of birth, parental information, and their previous marital status. Provision of the previous marital information is required; it is not optional. Middle names may remain blank although municipal clerks will have to check the override box in the EMRS and save the override button (located at the bottom of the screen). Identifying information on their parents' names and birthplaces should be completed if known. The names of the parents may be biological or stepparent although it is highly recommended to match the parties legal birth certificate. If a parent is not known, please type "Unknown". If the party refuses to provide the parent(s) name(s), please type "N/A". It is important to obtain parental information for genealogical purposes, as well as official uses of the marriage certificate for passports.
- Both parties must complete their own page with their personal information and provide their social security numbers. The requirement of social security number was eliminated from the State of Maine laws but is still required by federal law. Both parties must sign the certification statement in the presence of a notary or a municipal clerk (filing official).

If it is not convenient for either party to appear in person to file the marriage intentions, they may do so by mail and an official authorized to take oaths must witness their signatures. It is preferred that the completed marriage intentions be fully completed in black ink and contain no cross-outs although mistakes do happen. Municipal clerks may use their own discretion when accepting marriage intentions for filing. If the intentions have cross outs the information must be legible. Once the marriage intentions have been accepted and filed, the Department recommends to scan and attach them to the marriage case in the EMRS.

8

8

IDENTIFICATION

There is no requirement in Maine Law that parties must provide identification when filing the marriage intentions, unless the clerk or Department is not satisfied as to the identity of the applicants (or the clerk is acting as a notary public). To be consistent, municipal clerks may establish an office policy for this purpose. The policy may be made at the municipal clerk's discretion.



9

AUGUST 20

FILING FEE PAYMENT REQUIRED
The \$40 fee for filing intentions of marriage must be paid at the time of filing and before the issuance of a marriage license. Municipal clerks have their own fee schedule set in statute.
Please visit the legislative website to view the municipal fee schedule at http://www.mainelegislature.org/legis/statutes/30-A/title30-Asec2652.html .

Please remember to keep track of all marriage licenses issued from your municipality to report on the SSVR form. Clerks pay a \$4.00 State fee for the any license issued by their municipality. As a reminder, the SSVR form (which is fillable), customer number, reporting period and instructions may be found in DAVE under the forms/print forms tab.

RETENTION OF MARRIAGE INTENTION APPLICATION

The completed marriage intentions must be permanently maintained by the municipal clerk or the Department, whether maintained as paper or electronically.

The Department recommends scanning and attaching the completed intentions to the marriage case, once the case has been started.

Instructions for scanning and attaching documents in the DAVE system may be found on the Department's website at https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html



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11

PUBLIC INSPECTION



The marriage intention application (VS-2A) is not open for public inspection for $\underline{50}$ years from the date of the application.

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. A non-confidential marriage form has been developed for this purpose. Municipal clerks may print a system-filled non-confidential form, by case, from the EMRS.

Instructions on how to print the non-confidential form from the EMRS may be found on page 8 & 9 in the marriage portion of the municipal clerk's handbook posted on DRVS website at https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html

MARRIAGES IN MAINE

12

AUGUST 20

WHO CAN FILE MARRIAGE INTENTIONS?

Anyone may file marriage intentions in the State of Maine, but a marriage license may only be issued if the parties demonstrate they are free to marry, are 18 years of age or older (unless consent is provided), are not related and a caution to the marriage has not been filed.

Parties coming from another State or Country may file their intentions in any municipality. Residents of Maine must file their intentions in the municipality in which one of the parties resides.

Resident Defined

A person is considered a resident of your municipality for purposes of marriage registration if:

- The person is a registered voter in your municipality;
- The person maintains a permanent household in your municipality;
- The person usually lives in your municipality, but may be away part of the time (this does not include summer residents but can include military personnel);
- The person has recently moved to your municipality and intends to make it their home.

The residence of minors under the age of 18 years is assumed to be the residence of their parents or legal guardian(s). If the parents are divorced, it is assumed to be the residence of the parent having primary custody. If neither parent has sole legal custody, it is the residence of the parent with whom the minor usually resides. The residence of a minor who is emancipated is handled the same way as for any adult.

Members of the armed forces may claim residence in the State and municipality where they lived before entering the armed forces or in the municipality where their base is located. The same applies to students attending school in Maine who live in dormitories. Persons who are incarcerated in correctional facilities may claim residency where they are incarcerated; or where they were living before they were incarcerated if they plan to return there upon their release from the correctional facility.

FILING A CAUTION

Anyone who believes that persons may be attempting a prohibited marriage may file a "caution" by notifying the municipal clerk or the Department that may be issuing the marriage license. The filing of a caution prevents the issuance of a marriage license until the matter is resolved by a court hearing.

Since Maine no longer has a three (3) day waiting period, there may be several occasions when a marriage license has already been issued and the caution may no longer be filed to prevent the marriage.



have ever filed a caution or received a caution in your municipality. Is there anyone

interested in sharing their experience?

Cautions must not be used to harass persons legitimately attempting marriage and persons filing cautions for insufficient reasons will be held responsible for costs of court hearings. Inform anyone attempting to file a caution that the judge can prevent the marriage only if the persons are forbidden to marry or are incapable of contracting marriage under the law. One example of this would be when either party has been appointed as a legal guardian through a court or for an individual that is incapacitated. Before we move to the next slide about the requirements of filing a caution, we are curious to know if any municipalities with us today have received a caution in their municipality. Please raise your hand if you

MARRIAGES IN MAINE

14

AUGUST 2021

FILING A CAUTION (CONTINUED)

- The person filing the caution is responsible for obtaining a ruling from the Judge of Probate in the county where the parties reside within 7 days after the caution is filed. The judge may request an extension if more time is needed. The marriage license may not be issued until the judge issues a ruling or the 7 days have passed with no word from the Judge of Probate. If the person filing the caution fails to seek the ruling or withdraws the caution, the license may not be withheld longer than 7 days.
- Cautions must be written, must clearly identify the parties involved, and must plainly state the reason why the parties cannot marry, and must be signed and acknowledged under oath by the person entering the caution. If it is the municipal clerk who wishes to file a caution, the caution may be photocopied onto Municipal letterhead.
- If it is a person other than a municipal clerk who wishes to file a caution, then photocopy the caution onto plain paper and take the cautions from the person wishing to file. Make sure to get appropriate signatures.

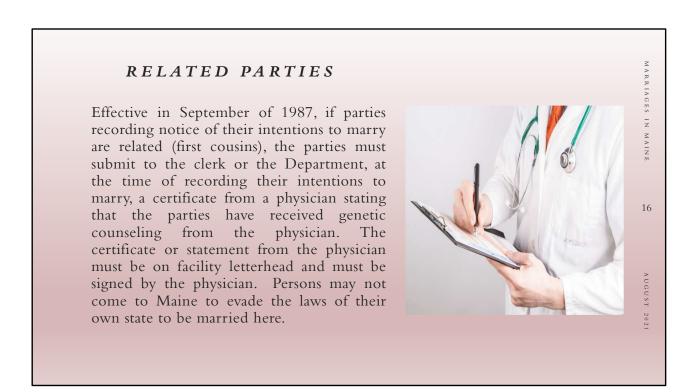
When a caution is filed with the Department, a new case will be started in the EMRS and put on hold with a comment and the status of the caution. This will prevent any municipality from issuing a marriage license since they will see the names in the search results when start/editing a new case in the EMRS. It is highly recommended that clerks do the same if a caution is received in their municipality. DRVS will also notify clerks via e-mail.

http://www.mainelegislature.org/legis/statutes/19-A/title19-Asec653.html

MARRIAGE IN MAINE

15

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http://www.mainelegislature.org/legis/statutes/19-A/title19-Asec651.html

Municipal clerks do not need to retain the certificate or statement. A comment may be entered on the marriage case stating the certificate or statement was presented prior to issuing the marriage license.

PRIOR MARRIAGES



There is no limit to the number of marriages allowed to individuals in the State of Maine.

Parties who have been previously married and plan to marry again, must provide the clerk or the Department with a certified copy of the death certificate, divorce decree, or annulment to demonstrate how the <u>last marriage ended</u>.

The clerk or the Department must ensure the information regarding how the last marriage ended on the marriage intentions match the certificate or certified copy of the death certificate, divorce decree or annulment presented. This includes 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 the Department must show the name of the deceased along with the date and place of death.

Persons who reside and intend to continue to reside in a foreign country must present an affidavit stating that they are free to marry by the laws of the State in which they reside as well as under the laws of the State of Maine if their country does not have such documents.

http://www.mainelegislature.org/legis/statutes/19-A/title19-Asec651.html

17

ARRIAGES IN MAIN

17

UGUST 2

Death Certificate

- Parties who have been widowed must present a certified copy of the death certificate pertaining to their most recent spouse.
- All jurisdictions in the United States have the authority to issue certified copies of a death certificate for a person who passed away in their State. Certified copies of the death certificate are not required by the parties ONLY if the municipal clerk or the Department has the death certificate on file and can verify the validity of the certificate.
- Most foreign countries do file and issue death records and foreign countries will provide certifications of deaths occurring within their boundaries. Persons who need a copy of a foreign death record should contact the Embassy or the nearest Consulate in the U.S. of the country in which the death occurred. Addresses and telephone numbers for these offices are listed in the U.S. Department of State Publication, Foreign Consular Offices in the United States, which is available in many local libraries. Copies of this publication may also be purchased from the U.S. Government Printing Office, Washington, DC 20402.
- If the Embassy or Consulate is unable to provide assistance, U.S. citizens may obtain assistance by
 writing to the Office of Overseas Citizens Services, U.S. Department of State, Washington, DC
 20520-4818. Aliens residing in the United States may be able to obtain assistance through the
 Embassy or Consulate of their country of nationality.
- For more information, please visit the National Center for Health Statistics (NCHS) website at https://www.cdc.gov/nchs/w2w/foreign.htm.

Maine Divorces

- Because Maine law requires all courts in the State of Maine to file a record of each divorce judgment or annulment finalized in their jurisdiction within 45 days after judgment with the Department, a certified copy of the divorce is required to be presented to the clerk prior to any marriage license being issued.
- The VS-4 Divorce Abstract form is furnished by the Department and made available to all Maine courts on DRVS restricted access website (courts only). The divorce abstract must contain the names and residences of the parties and name of the person to whom judgment was issued, the date and place of the marriage, the date of and legal grounds for the judgment and the names and ages of the minor children.
- In Maine, there is a <u>21-day waiting period</u> before a party to a Maine divorce may be remarried. The 21 days allows either party to the divorce the right to appeal the judge's final decision. At the time of the divorce, the parties are given the option to sign a waiver of their right to appeal. If the parties choose to do this, the 21-day waiting period will not apply. If the parties apply for a marriage license and it has been less than 21 days since their <u>MAINE</u> divorce, they will need to produce a copy of the <u>3 day waiver</u> that was signed at the time of their divorce before the license can be issued. <u>Please note that the 21 days begins the date the divorce is DOCKETED</u>. This may be a day or two LATER than the date the judge has signed the decree.

Municipal clerks may verify any divorce that has occurred in the State of Maine with the Department, if needed, by completing the verification form and faxing the completed form to the Department at (207) 287-1093.

19

AUGUST 2

Out of State and 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. Not all states use a raised seal when certifying or attesting a record of divorce. If you are presented with a divorce decree or certificate that does not have a raised seal, it MUST have an original stamp or signature from either a Judge or Clerk of Courts. This means that if a seal is present, it must not be a photocopy of a document with a seal.
- Copies of foreign divorce certificates may be obtained directly from the civil registrar or court in the foreign country where the marriage or divorce occurred although they may not always be certified. Contact the embassy or consulate of the foreign country in the United States for guidance on how to obtain copies of foreign public documents. Foreign embassies may require written requests in their language.

http://www.mainelegislature.org/legis/statutes/19-A/title19-Asec651.html

MARRIAGES IN MAINE

20

UGUST 2

Annulled Marriages

Parties who have had a previous marriage annulled must present a copy of the court annulment. The annulment completely dissolves the marriage as though it never occurred. This means that if a party to an annulment goes through another ceremony at a later date, the ceremony following an annulment would be considered the 1st marriage (or appropriate corresponding number following a marriage that was NOT annulled) since the annulled marriage is considered to have never occurred. Marriages annulled through a church MUST still be annulled through a court of law.



Marriages of Minors Under 16

http://www.mainelegislature.org/legis/statutes/19-A/title19-Asec652.html

The municipal clerk or the Department may NOT issue a marriage license to a person under 16 years of age. Marriages of minors 16 and under are not permitted in the State of Maine.

22

Marriages of Minors Under 18 (Consent required)

http://www.mainelegislature.org/legis/statutes/19-A/title19-Asec652.html

Parties under the age of 18 who plan get married in the State of Maine must obtain the written consent of their parents or legal guardians. If they have no living parents and no legal guardian, they must apply to the judge of probate in the county where they reside (unless they are emancipated by a court).

VUGUST 20

MARRIAGES OF MINORS (CONTINUED)

Parents

Both parents must give consent to the marriage if they are both living and have joint custody. If a parent who has custody fails to consent, the marriage may not take place. If one parent has sole custody under a court judgment, then only the consent of that parent is required. (The parent without custody may give consent as a matter of courtesy, but it is not required by law.) When the whereabouts of a parent having custody is unknown, the party may be referred to the Probate Court who may rule on the custody of the party for the purpose of the marriage or otherwise give consent.

Legal Guardian

It is not necessary for the party to obtain the written consent of the parent(s) if the party has been appointed a legal guardian. If a party has been appointed a legal guardian by a court of competent jurisdiction, the guardian must provide the consent to the intended marriage.

Judge of Probate

If there is no parent or legal guardian who can provide consent to the marriage, the minor must apply to the probate court to obtain the written consent. The judge of probate in the county where each minor resides may grant consent after notice and opportunity for hearing.

Emancipated Minor

Marriages of emancipated minors are treated as if the child is an adult of 18 years or older. Municipal clerks must be presented with the court document in order to ascertain the minor's legal status prior to issuing a marriage license. The court document must be scanned and attached to the marriage case in the EMRS.

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- The "Notice of Parental/Guardian Consent to a Marriage" form and instructions is located in <u>DAVE under forms</u>, print forms to municipal clerks and is also located on the Department's website to the general public at https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml under *Marriage Forms and Information*.
- The parent(s) or court appointed guardian must complete and sign the consent form as specified in the paragraphs above and present the completed form to the municipal clerk or Department who is issuing the marriage license. The consent form must be signed in the presence of a municipal clerk or notary public and must be scanned and attached to the marriage case in the EMRS.
- If minors go through with a marriage without appropriate consent, the marriage is "voidable"; that is, a parent or guardian may request to have the marriage annulled. However, if the parent or guardian elects to take no action, the marriage is valid.

MARRIAGE INTENTIONS CHECKLIST A marriage intentions checklist has been developed for municipal clerks as a guide to ensure all marriage requirements **CHECKLIST** specified in 19-A MRS Chapter 3 and 10-146 CMR Ch. 6 Department rules are met prior to the issuance of a marriage license. The printable checklist may be found under "Forms, Print Forms" in the Database Application for Vital Events (DAVE) system or on the Department's "Marriage" website under https://www.maine.gov/dhhs/mecdc/pu records/edrs/medical-certifiers.html.

A valid Maine marriage license is required for a marriage to be solemnized in Maine. Marriage licenses are valid for **90 days** from the day the intentions were filed, and parties may be married in any city/town or unorganized township in the State of Maine. Parties may not take the marriage license out of the State of Maine to be married nor use a marriage license issued by another State to be married in the State of Maine. In the event the 90 days have past, parties must obtain another marriage license, provide the same documentation requirements, and pay the \$40.00 fee.

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.

The brochure may be found on the Department's website under "marriage forms and information" at https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vitalrecords/forms/index.shtml.

There may be times when parties are married in Maine without obtaining their marriage license. In tomorrow's training we will discuss more in depth along with the different scenarios.

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26

UGUST:

• In the event the EMRS is not available, or circumstances prevent electronic filing and/or issuance, municipal clerks may contact the Department directly at (207) 287-3771 to obtain a blank marriage license (VS-2B). It is recommended to have some paper licenses on hand. The marriage license form (VS-2B) is printed on white legal-size (8.5 X 11) regular photocopy (20 LB) and is prepared by the Department or municipal clerk based on the information the parties provided on the marriage intentions. The fillable blank form is also available in DAVE under forms/print forms.

Please be sure to always have the parties proofread a copy of the marriage license before affirming/signing as the issuing official on the marriage license in the EMRS. This can be done by printing a marriage license working copy from the EMRS.

27

AUGUST

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match the information exactly as	Date of Birth (non-life) yyyy	3. Age	4. Sex/Gender	5. Number of this Marriage		Z
shown on the marriage intention	6. Party A's Residence Address (Cig:/Town) PARTY B	7. County Preferred Title:	8. State	9. Country Spouse		Z >
application whether issued from	 Current Full Name (First, Middle, Lant, Suffix) Date of Birth (non-idd)yyy) 	12. Age	13. Sex/Gender	14. Number of this Marriage		ź
the EMRS or as paper based.	15. Party B's Residence Address (City/Town) CERTIFICATION STATEMENT TO BE SIGNED In that the information provided is correct to the best of my when either party has failed to submit a certificate of ce that ispoure or when cited party has intellerably been us	knowledge and belief a rtified copy of the divo ntruthful about the num	17. State THE PRESENCE OF TH and I am free to marry under the decree or annulment of the	18. Country IE ISSUING OFFICIAL: I hereby certify the laws of Maine. A marriage contracted he last marriage or the death record of the		ш
When preparing the marriage	19. Signature of Party A's Current Name (Signature Required) 20. Party A's Legal Name <u>After Marriage</u> (First. Middle, Lun, Saffes)					
license be sure to calculate the	21. Signature of Party B's Current Name (Signature Required) P 22. Party B's Legal Name After Marriage (First, Middle, Last, Siglic)					28
90 days carefully before entering	LICENSE TO MARRY (I affirm that I have r 23. Date Intentions Filed (movid/1999)		provided and the parties ar expires (minidd/yyyy)	re legally entitled to be married.) 25. Date License Issued (mmidd)yyyy)		
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automatically calculated when issued from the EMRS.	☐ Temponary Registration Certificate ☐ Ordained Minister ☐ Cleric engaged in the service of the religious body ☐ Person licensed to preach by an association of ministers, religious seminary or ecclesiantical body		a (Street or P.O.) (April Int)	State 38. Country 39. Zip Code 1. State 43. Country 44. Zip Code		UST 2
	45. Signature of Witness (Signature Required)	1	100,000,000,000	1 Name (First, Middle, Last, Suffer) 1 Name (First, Middle, Last, Suffer)		0.2
	 Signature of Witzens (Signature Required) FILING OFFICIAL: The filing official shall ensure the 		—			
	 Signature of Filing Official (Signature Required) 					
	VS-28106/2019					

As stated in the last slide, it is highly recommended to always have the parties proofread a copy of the marriage license before affirming/signing as the issuing official on the marriage license in the EMRS. This can be done by printing a marriage license working copy from the EMRS. Instructions on how to print the marriage license working copy may be found on page 15 in the marriage portion of the municipal clerk's handbook posted on DRVS website for clerks at https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html. We will also do a quick demonstration in tomorrow's class.

- If any errors are caught, they may be corrected prior to entering the information into the EMRS and up until the point the marriage license has been issued.
- When the parties notice an error on the working copy of the marriage license and the municipal clerk has not yet affirmed the license, they may initial the incorrect information on the working copy of the marriage license and the municipal clerk may enter a comment in the EMRS in support of the error. Please be sure to scan the working copy to the marriage case with party's initials.
- There may be occasions that once the clerk has already affirmed the license (but has not yet issued it) and items need to be corrected. Municipal clerks may "un-affirm" the license by selecting the "Approve License" link again and select the "un-affirm" button and make the necessary changes. Same as the above, please be sure to enter a comment and scan the working copy to the marriage case with the party's initials.

Once the marriage license has been issued, no corrections may be made until the marriage certificate has been registered. Please remember, municipal clerks and parties only have 90 days from the date the marriage record was filed (assigned a State File Number) to submit a correction without providing two (2) pieces of supporting documentation and the required fee. See page 26 on how to submit an electronic correction/amendment within 90 days.

29

UGUST



In tomorrow's brown bag training we will be discussing incarcerated person(s), imminent death, certification statement of the marriage license, persons authorized to perform marriages in Maine, temporary officiant certificate, single status letters, responsibility of the officiant, validity of marriages and prohibited marriages. We will also be doing a live demo in DAVE on how to enter and issue the marriage license and complete the marriage certificate. Thank you all for your participation today!



In yesterday's presentation, we discussed the clerks and the Departments responsibilities, the Electronic Marriage Registration System (EMRS), marriage intentions and the requirements for filing the marriage intentions. Please remember to use your checklist!

Parties must prove they are free to marry, provide written consent if they are under the age of 18, and/or obtain a physician statement if they are considered first cousins, We also discussed the marriage license. In the event the EMRS is down or not accessible, the most current version of the marriage intentions and marriage license discussed yesterday must be used. All marriage licenses issued as paper must be later entered in the EMRS when it becomes available.

On occasion, there may be circumstances that one or both the parties are incarcerated, or death has become imminent. In the next few slides, we will be discussing how to handle these types of cases and then we will demonstrate how to issue the marriage license from the EMRS.

MARRIAGES IN

32



- If either of the parties is incarcerated in a State correctional facility, the license <u>may</u> be issued without the incarcerated person's signature. The party to the marriage that is NOT incarcerated should obtain the VS-2A (intentions of marriage) and bring it to the correctional facility to be completed by the incarcerated person in the presence of a notary public. Once the incarcerated person has completed their information and had their signature notarized on the marriage intentions, the marriage intentions may be filed (municipality of residence of either party or the Department).
- The municipal clerk of the municipality where intentions are filed may issue a marriage license (VS-2B) without the signature of the party who is incarcerated upon the approval of the correctional facility.
- The municipal clerk or the Department must issue the marriage license from the EMRS and enter a comment on the marriage case indicating the party is currently incarcerated and the original signature of the incarcerated person is to be obtained on the marriage certificate returned.

The residence of a person incarcerated in a correctional facility, as defined in <u>Title</u> <u>34-A</u>, <u>section 1001</u>, or in a county jail does not include the municipality where a person is incarcerated unless the person had resided in that municipality prior to incarceration. A person incarcerated in a correctional facility may apply for a marriage license (or register to vote) in any municipality where that person has previously established a fixed and principal home to which the person intends to return.

The person performing the ceremony must make certain that the incarcerated person signs the license at the time of the ceremony in their presence.

After the ceremony has taken place and the municipal clerk or the Department has received the completed and endorsed marriage license back from the officiant, the marriage section may be completed in the EMRS in the usual manner.

33

UGUST

IMMINENT DEATH

In extraordinary or emergency cases when the death of either party is imminent, the party to the marriage that is NOT the patient should obtain the VS-2A (intentions of marriage) and bring it to the hospital to be completed by the patient in the presence of a notary public. Once the patient has completed their information and had their signature notarized on the marriage intentions, the marriage intentions may be filed (municipality of residence of either party or the Department).

The municipal clerk of the municipality where intentions are filed may issue a marriage license (VS-2B) without the signature of the party who is hospitalized (or otherwise incapacitated) upon the authoritative request of a minister, clergy, priest, rabbi or attending physician. The municipal clerk or the Department must first see the authorization from one of the above-mentioned persons on letterhead before the marriage license is released.

The letter that is presented to the municipal clerk or the Department must state the following:

- That (Name of patient) is in the hospital and cannot come to the municipal office.
- · The patient's death is imminent.
- · The patient is conscious and coherent; and
- The patient has made it known that it is their wish to be married.

The municipal clerk or the Department must issue the marriage license from the EMRS and retain the physician or clergyman's authorization by scanning and attaching to the marriage case. It is also recommended to enter a comment on the case that death is imminent.

The person performing the ceremony must make certain that the patient (whose death is imminent) signs the license at the time of the ceremony in their presence.

After the ceremony has taken place and the municipal clerk or the Department has received the completed and endorsed marriage license back from the officiant, the marriage section may be completed in the EMRS in the usual manner.

During this type of situation, if any questions arise, please contact the Department for assistance at (207) 287-6490 or (207) 287-3771.

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34

AUGUST 2

Written instructions on how to issue the marriage license form the EDRS are available on page 17-19 in the marriage portion of the municipal clerk's handbook located on DRVS website for clerks at https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html. Discuss paper process here.

CERTIFICATION STATEMENT ON MARRIAGES IN MARRIAGE LICENSE The certification statement must be signed by both parties in the presence of the issuing official (municipal clerk or Department). Parties may appear at different time to sign the marriage license if needed. It is highly recommended to read the certification statement to the parties. A marriage contracted when either party has failed to submit a certificate of 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 been untruthful about the number of previous marriages is void.

Recent legislation now allows for the officiant to obtain the signatures on the marriage license in the event the clerk is unable to issue the license to the parties in person; mostly as a result of Covid. We will discuss more in depth in the next couple of slides.

OFFICIANT RESPONSIBILITY

Before beginning the marriage ceremony, the officiant is responsible for examining the marriage license carefully to ensure that it has been signed by both parties. The officiant must also verify that the license has not expired (item #24) and the municipal clerk who issued the marriage license has signed the license with an original or electronic signature. (This would also be the time to capture the signature of a party who is incarcerated or who's death is imminent.)

Both parties, two witnesses and the officiant must be physically present at the time of the marriage ceremony/solemnization. The officiant must complete the ceremony section (items #28-48) after the marriage ceremony/solemnization has been performed and return the marriage license to the issuing office (item #27) within 7 days following the date of the marriage. This may be done in person or through the mail. Black ink is preferred, but not required if the license is legible.

Maine law requires that persons solemnizing a marriage keep a record of each marriage performed. It is suggested that officiants maintain a book or file for all marriages they have performed. The marriage license may be photocopied for this purpose, but copies should <u>never</u> be issued to anyone.

37

PERFORMING A MARRIAGE CEREMONY PAMPHLET

A pamphlet on performing a marriage ceremony in Maine may be found on the Department's website to assist officiants with current procedures and instructions https://www.maine.gov/dhhs/mecdc/public-health-systems/data-receases/viital

research/vitalrecords/forms/index.shtml.

Municipal clerks may print and distribute to the parties to provide to the officiant at the time the marriage license is issued.

GENERAL INFORMATIO

When a marriage ceremony is performed in Maine, there are certain procedures that must be followed by the officiant. The manicipal clerk who issued the license will have already made sure that the parties to be married have compiled with the laws of Maine. However, there are several driess for which the person performing the marriage (officiant) is disarble to reasoning.

- The parties to be married must present a valid State of Maine marriage license.
 The officiant must review the license to ensure
- the license has not expired.

 3. Once the marriage has been performed, the officiant must have the two witnesses sign the
- The officiant must complete the ceremony section of the license.
 The officiant, within 7 days of performing the ceremony, must file the completed license with
- It should be clearly understood by all parties that there are severe penalties for violation of the laws that relate to vital records. A marriage certificate is a vital record. It is an important legal document. All parties should be aware of the laws about performing marriage ceremonies



The parties to be married are responsible for picking up a copy of the license and presenting it to the officiant prior to the ceremony. Once the officiant receives the "Place of Issue" photocopy of the marriage license from the parties to be married, the

A Maine marriage license is valid for 90 days fror the date the intentions are filed. The marriage license may not be used outside the state nor does license issued by another state or country authorizmentions in Main.

PERSONS AUTHORIZED TO SOLEMN MARRIAGES IN MAINE

- If the officiant is a resident of this state:
- A justice or judge;
 A lawyer admitted to the Maine Bar; or
- Whether the officiant is a resident or nonresident of this State and whether or not a
- An ordained minister of the gospel;
 A clear represend in the corrier of the
- A person licensed to preach by an association of ministers, religious seminar or ecolosiastical body.
- A nonresident of Maine who has a temporary registration certificate issued by the Maine CDC wind records office.

FEODE THE CEDEMONY

Both the parties to be married must sign the marriage license at the municipal clerk's office

The marriage license is valid for 90 days (not

The age of consent in Maine is 18 years of age for both the parties to be married. The officiant should not perform the marriage if there is reason to believe that either of the parties is under the age of 18 and there is not written consent of the parents that shows permission has been granted.

The residence of the parties to be married determines where the intentions of marriage may be

- a) If both the parties reside in Maine, in the same town, then the license must be obtained from their municipal office. They are free to marry anywhere within the State of Maire.
- b) If both the parties to be married reside in Maine, but in separate towns, they may file their intentions at EITHER resident town (they do not have to file in both) and they
- are free to marry anywhere within Maine.

 If <u>either p</u> party to be married resides in the State of Maine, and the other is a non-resident of Maine, then they must obtain their license at the manicipal office <u>where</u> the resident lives. They are free to marry
- anywhere within the State of Maine.

 d) If <u>Auth</u> parties reside outside of Maine, they may file their intentions at any manicipal office and then they are free to many another within the State of Maine.

MARRIAGES IN MAINE

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38

AUTHORIZATION TO PERFORM MARRIAGES IN MAINE The laws of Maine provide that only authorized persons may solemnize marriages in the State of Maine. The following may solemnize marriages in this State: If a resident of this State: · A justice or judge. · A lawyer admitted to the Maine Bar; or 39 • A notary public under Title 4, chapter 19 (relatives may perform the marriage ceremony). Whether a resident or nonresident of this State and whether or not a citizen of the United • An ordained minister of the gospel; (including internet ordained) · A cleric engaged in the service of the religious body to which the cleric belongs; or · A person licensed to preach by an association of ministers, religious seminary or ecclesiastical body. A nonresident of the State who has a temporary registration certificate issued by the Office of Data, Research and Vital Statistics.

http://www.mainelegislature.org/legis/statutes/19-A/title19-Asec655.html

TEMPORARY REGISTRATION CERTIFICATE (NON-RESIDENTS)

- Non-residents who are authorized to solemnize marriages in another State may solemnize a single marriage ceremony in Maine for a specific couple after securing a temporary registration certificate from the Department. The officiant application may be found on the Department's website under marriage forms and information at https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml.
- Non-residents who obtain an "Out of State Non-Resident Officiant Certificate of Solemnization" from the Department may perform a single marriage ceremony for the couple named on the certificate within 90 days of issuance. The Certificate of Solemnization will be scanned and attached to the marriage case in the EMRS by the Department once the case has been started by the municipal clerk (or the Department).

The Department will track the issuance of all Certificates of Solemnization and compare the names on marriage certificates to ensure compliance.

40



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.

Provide scenarios and open up for discussion.

MARRIAGES IN MAINE

41

PROHIBITED (VOID) MARRIAGES

Certain marriages are prohibited by law in Maine. If performed, such marriages are considered void.

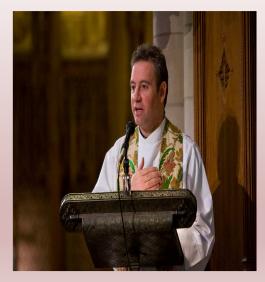
- Any marriage performed in another state that would violate any provisions of Maine Law if performed in this State is not recognized in this State and is considered void if the parties take up residence in this State.
- Marriages of persons with their own parents, grandparents, children, grandchildren, brothers or sisters, aunts or uncles, and nieces or nephews are forbidden and are void. Marriages of first cousins are permitted in certain circumstances if a physician's certificate of genetic counseling is presented.
- A person for whom a guardian or limited guardian has been appointed under <u>Title 18-C</u>, <u>section 5-301</u> may not contract marriage without the approval of the appointed guardian. For persons under limited guardianship, the court must grant the specific power to contract for marriage to the guardian.
- If minors under the age of 18 go through a marriage without appropriate consent, the marriage is "voidable". The parent or guardian may request to have the marriage annulled. If the parent or guardian does not initiate such action, the marriage is valid.
- A marriage contracted while either party has a living spouse from whom the party is not divorced is 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.

Municipal clerks need not review personal backgrounds to ensure parties are not attempting to enter into a void marriage. However, if you have reason to believe that this may be the case, the filing of a caution will prevent the issuance of a marriage license until a court can make a ruling. Cautions are described on page 11.

If the parties go through with a marriage and one of the above conditions exists, the marriage may be voided. The Department will verify whether or not the marriage is void and will take the steps necessary to void all records of the marriage.

MARRIAGE LICENSE RETURNED FROM THE OFFICIANT

- Examine the CEREMONY section when a marriage license is returned to you for filing to be sure that the section is properly completed and all required signatures are present, including those of the two witnesses. Contact the officiant directly if any information is missing or improperly recorded. If you do not receive a response within 21 days, report the matter to Vital Records for further action.
- When you are satisfied that everything is in order, accept the license for filing by signing the license as the registrar and enter the date of filing. Then, complete the Marriage-Officiant and Filing Official section in DAVE within 7 days* after you receive it ("7 days" excludes the day on which the time period begins. It includes weekends and holidays unless the 7th day falls on a weekend or holiday; in that case, the period ends on the next day, which is not a weekend or holiday).



IAGES IN MAINE

43

ENTERING THE COMPLETED MARRIAGE LICENSE IN THE EMRS Live Demo from Rebecca Ashley https://gatewaytest.state.me.us/EVRS_MIR ROR_WEB/Logon.aspx

Written instruction may be found on page 23-24 in the marriage portion of the municipal clerks handbook posted on DRVE website for clerks.

MARRIAGE LICENSE NOT RETURNED AFTER 90 DAYS

If 90 days from the date of issue has passed and the officiant has not returned the license, it is recommended that the municipal clerk or the Department who issued the marriage license send a registered letter to the parties and the officiant (if known) at the address provided on the marriage intentions. The letter should state that a license has not been returned and to contact the municipal clerk or the Department who issued the license within 15 business days. If contact is not made within that time frame, the municipal clerk or the Department must enter a comment on the marriage case in the EMRS of the date the letter was sent to the parties and officiant with no response.

45

CORRECTING A CERTIFICATE OF MARRIAGE

When a person wishes to file an application (VS-7) to correct a certificate of marriage, they must submit the application directly to the Department. The application and instructions to correct a vital record may be found on the Department's website at https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml under the vital records requests and information.

Who may apply for the correction?

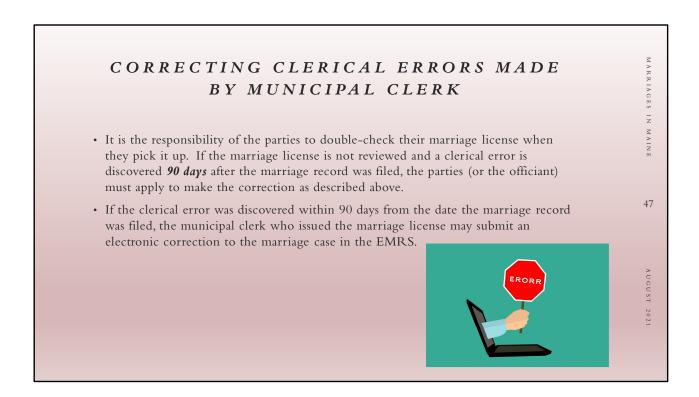
- Only the <u>Officiant</u> may apply to correct errors in the ceremony section. The application to correct or complete a vital record (VS-7) must be completed as paper-based.
- The <u>Parties</u> may apply to correct personal data on themselves. The application to correct or complete a vital record (VS-7) must be completed as paper-based.
- The <u>Municipal Clerk</u> may apply to correct clerical errors made in the municipal clerk's office. The application to correct or complete a vital record (VS-7) must be completed electronically. See directions on how to submit an electronic amendment on page 27.

The process for correcting a marriage record that is under 90 days old from the date the marriage was registered (filed) differs from the process for correcting a marriage record greater than 90 days from the date the marriage was registered (filed).

If there are questions regarding the correction process, the applicant may contact a staff member by calling the toll-free number of 1-888-664-9491 x4 or (207) 287-6490.

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46



Instructions on how to submit an electronic correction may be found on page 26 & 27 of the marriage portion of the municipal clerk's handbook on DRVS website for clerks at https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html. If time permits do a live demo.

- <u>Parties or the officiant</u> may apply to correct or complete a marriage record within 90 days from the date the record was filed by completing a paper-based application for correcting or completing a marriage record.
- The front side of the VS-7 must be completed by the applicant(s) and their signature(s) must be notarized. The application should have both the parties full name(s) as it appears on the record. The incorrect information, along with the item numbers where the error is located, must be printed in the box(es) on the left. The correct information must be printed in the box(es) on the right.
- There is no fee to correct a record within 90 days old. If the applicant(s) would like to obtain a certified copy of the corrected record, a \$15.00 fee does apply. Additional copies may be requested at the time of correction, for \$6.00.

MARRIAGES IN MAINE

48

CORRECTING A MARRIAGE RECORD AFTER 90 DAYS

- Parties or the officiant may apply to correct or complete a marriage record after 90 days from the date the record was filed by completing a paper-based application for correcting or completing a marriage record, providing two (2) pieces of supporting documentation (see examples below) and the required fee.
- The front side of the VS-7 must be completed by the applicant(s) and their signature(s) must be notarized. The application should have both the parties full name(s) as it appears on the record. The incorrect information, along with the item numbers where the error is located, must be printed in the box(es) on the left. The correct information must be printed in the box(es) on the right.
- There is a \$60.00 fee to correct a record after 90 days from the date the record was filed and includes a certified copy of the corrected record. Additional copies may be requested at the time of correction, for \$6.00.
- All documentation used as evidence to support a correction must be original, certified or attested copies.
 Documents provided by the applicants will be returned once the correction or completion has been made.

49

EXAMPLES OF SUPPORTING DOCUMENTATION

- Personal Affidavit—located on reverse side of application and can be used by the applicant to correct personal
 information. The person completing the Personal Affidavit MUST have firsthand knowledge of the information being
 corrected.
- Officiants may also use the personal affidavit as a form of documentation when correcting errors in the ceremony section.
- · Intentions of Marriage
- Other Documents (document must be at least 5 years old). Example: Previous marriage record, death or birth record
- Medical Records
- · Records of employment, education, census, selective service or military service
- · Voter registration applications
- Newspaper articles
- · Guest book showing names of parties and date of marriage
- · Church record
- Driver's License (must be at least 5 years old)

MARRIAGES IN MAINE

50

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