


POLICY TITLE: PRISONER MARRIAGES		PAGE 1 OF 3
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CHAPTER 24: ADMINISTRATION OF PROGRAMS AND SERVICES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS	PROFESSIONAL STANDARDS: See Section VII
	Approved by: <u><i>Martin Magnusson</i></u> Signature of Commissioner	
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I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

Marriages by prisoners will be allowed in accordance with constitutional requirements.

IV. CONTENTS

Procedure A: Process and Requirements

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Process and Requirements

1. Prisoners who are at least 18 years of age or prisoners who are under 18 years of age and have been emancipated have the right to enter into marriage while in the custody of the Maine Department of Corrections.
2. Prisoners wishing to marry are responsible to determine and comply with all legal requirements for marriage in the State of Maine. The prisoner is responsible to obtain his/her marriage license application and marriage license.

The prisoner shall also be responsible for paying or arranging the payment of marriage license fees. The fiancé of the prisoner shall make their own application in their city/town of residence.

3. After obtaining a marriage license, a prisoner wishing to be married at the facility must write to the Chief Administrative Officer requesting permission and providing the name and birth date of the individual the prisoner is requesting to marry. Prisoners on reception, administrative segregation, disciplinary segregation, or high risk management status shall not be granted permission to marry while on this status. A prisoner shall not be brought to another facility in order to be married. If the prisoner's fiancée would not be approved for visitation privileges, permission to marry will not be granted.
4. The Chief Administrative Officer shall notify the prisoner in writing within two (2) weeks stating whether permission to get married is granted.
5. If permission to get married is granted, the prisoner shall contact his/her Correctional Caseworker or Correctional Care and Treatment Worker at least six (6) weeks in advance of the anticipated wedding date to schedule the date and time of the ceremony.
6. The prisoner is responsible for making arrangements for contacting a qualified person to perform the ceremony. Designated staff shall verify the person is qualified to perform the wedding ceremony. Clergy, notary publics, lawyers, or Justices of the Peace may perform wedding ceremonies. At least four (4) weeks in advance of the ceremony, the prisoner is responsible to inform the Correctional Caseworker or Correctional Care and Treatment Worker of the name, birth date, and sex of the person who will be performing the ceremony and the two witnesses. No Department of Corrections' staff or volunteers shall be allowed to participate in the ceremony.
7. Upon receipt of the marriage ceremony information, the prisoner's Correctional Caseworker or Correctional Care and Treatment Worker shall contact the Chief of Security, or other supervisory staff designated by the Chief Administrative Officer, to make security arrangements.
8. The following security requirements shall be fulfilled:
 - a. The Chief of Security, or other supervisory staff designated by the Chief Administrative Officer, shall ensure all participants are screened for entry into the facility in accordance with visiting procedures.
 - b. Marriage ceremonies shall be conducted in an appropriate area under staff supervision.

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- c. Participants in the ceremony are limited to the two individuals getting married, the person performing the ceremony, and the two witnesses.
 - d. No wedding cake, flowers, music, refreshments, etc. will be permitted. Prisoners shall wear the state issued prisoner uniform.
 - e. No cameras or audio/video recording devices will be permitted.
 - f. The Chief of Security must approve, in advance, any items used at the wedding ceremony, including bibles, prayer books, wedding rings, etc.
 - g. No physical contact shall be permitted beyond what is permissible in accordance with visiting procedures.
9. Prisoners who wish to marry while on furlough must request to do so as part of their furlough application.
10. Marriages between prisoners will not result in either prisoner receiving any greater privileges than other prisoners in terms of visits, correspondence, furloughs, or property, except that wedding rings, which meet the allowable property requirements, may be exchanged.

VII. PROFESSIONAL STANDARDS

None

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