

# STATE OF MAINE

## LATE-FILED APPLICATION FOR CERTIFICATE OF MARRIAGE RULE

10-146 CODE OF MAINE RULES  
CHAPTER 14



Department Of Health And Human Services  
Maine Center for Disease Control And Prevention  
11 State House Station  
Augusta, Maine 04333-0011

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<b>146</b>	<b>Maine Center for Disease Control and Prevention Data, Research, and Vital Statistics</b>
<b>Chapter 14:</b>	<b>Late-Filed Application For Certificate Of Marriage Rule</b>

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**SUMMARY:** These rules provide registration requirements for the filing of a late-filed application for certificate of marriage in Maine, as specified in 19-A M.R.S. §660. This rule provides individuals with a procedure, along with a list of acceptable documents that may be used to assist parties, or the legal representatives of parties, in recreating a marriage certificate that has never been filed in a municipal office and/or the Department.

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## SECTION 1. DEFINITIONS

For purposes of this rule, the following terms shall have the meanings set forth below:

- A. **APPLICANT** means two living parties, or the legal representatives of the parties, that claim to have been married in Maine whose marriage certificate was never filed in a municipal office and/or the Department.
- B. **APPLICATION** means the application form for the registration of late-filed marriage as prescribed and furnished by the State Registrar for the purpose of documenting a marriage that took place in Maine and was never filed in a municipal office and/or the Department.
- C. **ATTESTED COPY** means a copy of an original document that has been certified as a true copy by a municipal clerk or an official authorized to take oaths.
- D. **CEREMONY** means the solemnization of marriage by a duly-authorized person, as specified by 19-A M.R.S. §656, Sub-§2, in the physical presence of two witnesses and the officiant.
- E. **CERTIFIED COPY** means a document created from paper or electronic format, issued by a municipal clerk and the Department containing all, or part of, the exact information contained on the late-filed marriage certificate, and which, when issued, holds ~~has~~ the full force and effect of the original marriage certificate. The evidentiary value of a record submitted more than one year after the event shall be determined by the judicial or administrative body or official before whom the certified copy is offered as evidence.
- F. **CERTIFICATION STATEMENT** means the following “I hereby certify that the information provided is correct to the best of my knowledge and belief and that I was free to marry under the laws of Maine.”
- G. **COURT OF COMPETENT JURISDICTION** means a court with jurisdiction over the married parties and anyone else the court deems necessary.
- H. **DEPARTMENT** means the State of Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention, Office of Data, Research and Vital Statistics.
- J. **DOCUMENTARY EVIDENCE** means the written proof to establish the facts of marriage, outlined in Sections 6 and 7, which shall be presented and retained by the Data, Research and Vital Statistics office of the Department.
- K. **FILE** means the action by which a record is presented to Department for review and registration.
- L. **INTENTIONS** mean the intentions of marriage notice application or the intentions or marriage notice application/worksheet prescribed and furnished by the State Registrar.
- M. **LATE-FILED MARRIAGE** means a marriage certificate issued by the Department, based upon an approved application and acceptable documentary evidence used to establish the facts of marriage that occurred more than one year in the past and was never filed in a municipal office or with the Department.
- N. **LEGAL REPRESENTATIVE** means an individual that is authorized to act on behalf of married parties whose marriage certificate was never filed upon presentation of a written and notarized statement from both of the parties.

- O. MARRIAGE LICENSE** means the duly-completed and signed license and certification statement which is used to supporting the facts of a marriage that, for the purpose of this Rule, occurred more than one year from the date of marriage and the documentation used to record the marriage.
- P. MUNICIPAL CLERK** means the duly-elected or appointed clerk of the cities, towns or plantations where the notice(s) of marriage intentions are required to be filed, the marriage license(s) issued and the completed marriage certificate(s) returned, pursuant to 19-A M.R.S. § 656.
- Q. OFFICIANT** means a person, duly-authorized as specified in 4 M.R.S. §1056 and 19-A M.R.S. §655, who performs a marriage ceremony or solemnizes a marriage.
- R. PARTIES** mean two living persons, claiming that a marriage of the two took place in Maine more than one year prior to the date of application.
- S. REGISTRATION** means the process by which vital statistics data, reports, and certificates are accepted and filed into official certificates of the system of vital statistics, whether on paper or electronically, for permanent retention.
- T. STATE REGISTRAR** means the State Registrar, Deputy State Registrar or other designated official of the Department.
- U. SYSTEM OF VITAL STATISTICS** means the collection, registration, preservation, amendment, certification, verification and the maintenance of the security and integrity of vital records; the collection of other reports and activities related including the tabulation, analysis, publication and dissemination of vital statistics.
- V. TRANSMIT** means, for the purposes of this Chapter, making an approved late-filed certificate of marriage available to the municipality where intentions were filed, and the municipality where the marriage ceremony took place, whether transmitted electronically or on paper.
- W. WITNESS** means an individual, regardless of his or her age, who has sufficient understanding or capacity to understand and attest to the veracity of a marriage ceremony.

## **SECTION 2. REGISTRATION OF A LATE-FILED CERTIFICATE OF MARRIAGE**

The registration of a late-filed marriage after one year from the date of marriage shall be made on the application form prescribed and furnished by the State Registrar and shall be made only in the manner prescribed in this Rule, except as authorized by the State Registrar.

## **SECTION 3. DOCUMENTS NEEDED TO DETERMINE ELIGIBILITY**

When a marriage occurred in Maine and a certificate of marriage was not filed within a year of the marriage by the Department, the municipality where intentions were filed, or the municipality where the marriage ceremony took place, then the parties, or the legal representative of the parties, may apply for a late-filed application for certificate of marriage. Applicant(s), as defined in Section 1, shall present the following supporting documentation to demonstrate eligibility prior to requesting or receiving the late-filed application for certificate of marriage from the Department.

- A.** Parties, or the legal representative of the parties, shall obtain an attested copy of the marriage intentions from the clerk of the municipality where the intentions were filed, if available.

- B.** Parties, or the legal representative of the parties, shall obtain a signed and notarized statement (also known as a “no records letter”) from the municipality where the intentions were filed, and/or the municipality where the marriage ceremony took place that indicates no record of marriage could be found.
- C.** Legal representatives of the parties shall obtain a written and notarized statement from the parties authorizing the legal representative to act on the behalf of both parties.
- D.** Individuals whose spouse is no longer living shall obtain an order by a court of competent jurisdiction as defined in Section 1. The court order shall include the facts of marriage as specified in Section 5.
- E.** All applicants shall present documentation of identification in the form of a valid government issued identification that includes a photograph.
- F.** The State Registrar may require addition documents to determine eligibility.

The State Registrar may verify the authenticity of the supporting documentation presented in the event there is reasonable cause to question the validity or accuracy of the documentation.

#### **SECTION 4. LATE-FILED CERTIFICATE OF MARRIAGE APPLICATION**

The State Registrar shall prescribe and furnish a late-filed certificate of marriage application form to the applicants who are able to demonstrate eligibility. The application for the registration of a late-filed certificate of marriage shall contain the following:

- A.** Marriage license information and a certification statement signed and acknowledged by both of the parties and sworn to before an official authorized to take oaths.
- B.** The minimum marriage facts as specified in Section 5 completed on the application by the parties, or the legal representative of the parties.
- C.** All marriage facts on the application supported by the documentary evidence requirements specified in section 6 and documentary evidence acceptability as specified in Section 7.

Approved applications shall be retained by the Department but shall not be subject to inspection or copying except upon order of a court with competent jurisdiction.

#### **SECTION 5. MARRIAGE FACTS TO BE ESTABLISHED FOR THE REGISTRATION OF A LATE-FILED CERTIFICATE OF MARRIAGE**

The minimum marriage facts to be established for the registration of a late-filed certificate of marriage to occur are the following:

- A.** Parties Information
  - 1. The full name of the parties at the time of marriage;
  - 2. The sex of the parties;
  - 3. The date of birth (month, day, year) or age of the parties:

4. The place of birth (town, state) of the parties:
5. The residence and mailing address, if different, of the parties at the time of marriage.

**B. Parentage Information**

1. The full names of the parties' parents prior to their first marriage;
2. The place of birth (state or country) of both parties' parents.

**C. Ceremony Information**

1. The date and place of marriage;
2. The officiant's name, title and mailing address; and
3. The names of two living witnesses who were present for the ceremony.

**D. Marital Status**

This category includes applicants whose opposite or same-sex spouse is living, unless the couple is separated or a divorce has been obtained.

**SECTION 6. DOCUMENTARY EVIDENCE REQUIREMENTS**

To be acceptable for registration, the parties, parentage, ceremony and marital status information specified in Section 5, as alleged in the application, shall be supported by the following documents:

- A.** Three pieces of acceptable documentary evidence from both of the parties that will establish, to the satisfaction of the State Registrar, all of the parties' information as specified in Section 5(A). Documents may include, but are not limited to, the following:
  1. A copy of the marriage intentions obtained from the clerk of the municipality where the intentions were filed; or
  2. A birth certificate of both the parties; or
  3. A driver's license or State ID of both of the parties; and
  4. A voter's registration card; or
  5. A vehicle registration or title: or
  6. Other acceptable documents, as designated by the State Registrar
  
- B.** Two pieces of acceptable documentary evidence from both of the parties that will establish to the satisfaction of the State Registrar all of the parentage information, as specified in Section 5(B). Documents may include, but are not limited to, the following:
  1. A copy of the marriage intentions obtained from the clerk of the municipality where the intentions were filed; or
  2. A birth certificate of both the parties; or
  3. Other acceptable documents as designated by the State Registrar.

- C.** Two pieces of acceptable documentary evidence are required to establish, to the satisfaction of the State Registrar, all of the ceremony information, as specified in Section 5(C). Documents may include, but are not limited to, the following:
1. A copy of the marriage intentions obtained from the clerk of the municipality where the intentions were filed; or
  2. An original ceremonial certificate from the officiant or the facility where the ceremony took place; or
  3. A notarized affidavit of at least two witnesses to the marriage ceremony; or
  4. Other acceptable documents as designated by the State Registrar.
- D.** Two pieces of acceptable documentary evidence is required to establish, to the satisfaction of the State Registrar, the marital status, as specified in Section 5(D). Documents may include, but are not limited to:
1. A tax return naming both parties establishing the marital status; or
  2. A birth certificate of a child born after the marriage took place (showing marital status); or
  3. Other acceptable documents, as designated by the State Registrar.

## **SECTION 7. DOCUMENTARY EVIDENCE ACCEPTABILITY**

The State Registrar shall determine the acceptability of all documentary evidence submitted.

- A.** Documents may be from independent sources and shall be in the form of the original record or an attested copy thereof or a signed notarized statement from the custodian of the record or document.
- B.** The following documents submitted in evidence shall be dated at least one year prior to the date of marriage on the application:
1. Birth certificate;
  2. Marriage intentions;
  3. Original ceremonial certificate from the officiant or the facility where the ceremony took place; and
  4. Birth certificate of applicants' child.
- C.** All documents submitted in evidence shall not contradict each other.
- D.** Notarized documents submitted in support of the registration of a late-filed application for certificate of marriage shall be returned to the applicant after review. Copies of all items submitted shall be retained by the State Registrar.

## **SECTION 8. NOTATION OF DOCUMENTARY EVIDENCE**

The State Registrar shall notate the late-filed registration of marriage with a description of each document presented to support the facts of marriage. This description shall include the following:

- A.** The certificate shall be marked “delayed” ; and
- B.** The title or description of the document provided to support the facts of marriage.

## **SECTION 9. DISMISSAL AFTER 90 DAYS**

A late-filed application for certificate of marriage that has not been completed within 90 days from the date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall so advise the applicant and the documents presented in support of such registration shall be returned to the applicant.

## **SECTION 10. FEES**

The required filing fee as specified by the Department’s rules at 10-146 CMR Ch. 7, shall be paid at the time of application. The fee is non-refundable, regardless of whether the late-filed application for a certificate of marriage is accepted.

## **SECTION 11. DISTRIBUTION AFTER THE REGISTRATION OF A LATE-FILED CERTIFICATE OF MARRIAGE**

### **A. PLACE OF FILING**

After registration, the State Registrar shall transmit the late-filed application for a certificate of marriage to the clerk of the municipality where the marriage took place, the clerk of the municipality where the intentions were filed or where the original marriage license was issued.

### **B. CERTIFIED COPY**

The State Registrar shall provide a certified copy of the late-filed certificate of marriage to the parties or their legal representative.

**STATUTORY AUTHORITY:** 22 M.R.S. §42 and 19-A M.R.S §660