



FAQs for Marriage Officiants

1. What information can you provide on the new law that is effective July 1, 2023, regarding notaries public no longer being able to solemnize marriages in the State of Maine?

The new law effective July 1, 2023, requires Maine residents who currently do not have a title or the authority to perform marriages under existing law, to obtain a “marriage officiant license” from the Secretary of the State’s office for the purposes of solemnizing marriage in Maine. Notaries public will no longer have the authority to solemnize a marriage in the capacity of a notary public effective July 1st. All Maine notaries public who are Maine residents will receive a marriage officiant license free of charge unless they wish to decline the license as a marriage officiant. Notaries who do not wish to be issued a marriage officiant license must visit the Total Notary Solution – Online Renewal & Profile Update Service, to opt out of being issued the marriage officiant license, on or before June 23, 2023, at <https://apps1.web.maine.gov/cgi-bin/online/notary/total/index.pl>. If a notary public opts out of being issued a marriage officiant license, they will not be able to opt back in. They would be required to apply for a separate marriage officiant license together with the \$25 application fee.

The below statutes will take effect July 1, 2023:

<https://legislature.maine.gov/legis/statutes/19-A/title19-Asec654.html>

<https://legislature.maine.gov/legis/statutes/19-A/title19-Asec655.html>

<https://legislature.maine.gov/statutes/19-A/title19-Asec657-2.html>

<https://legislature.maine.gov/legis/statutes/5/title5sec90-G.html>

DRVS is working with the vendor, VitalChek, to replace the electronic marriage license print form in the Database for Vital Events (DAVE) system to remove the reference of a notary public (box #33). Until the print form can be replaced, DRVS is asking municipal clerks to cross out the “notary public” reference on the marriage license and either type or print “licensed marriage officiant (Maine Resident)” beside it. Please see the example in red below.

31. Signature of Officiant <i>(Signature Required)</i>		32. Officiant’s Printed Name	
33. Officiant Title of the Office by Virtue <i>(check one)</i>		34. Date of Ordination/Commission or Expiration	
<input type="checkbox"/> Justice or Judge <input type="checkbox"/> Lawyer admitted to the Maine Bar <input checked="" type="checkbox"/> Notary Public Licensed Marriage Officiant (Maine Resident) <input type="checkbox"/> Temporary Registration Certificate <input type="checkbox"/> Ordained Minister <input type="checkbox"/> Cleric engaged in the service of the religious body <input type="checkbox"/> Person licensed to preach by an association of ministers, religious seminary or ecclesiastical body		35. Residence Street Address	
		36. City/Town	37. State
		40. Mailing Address <i>(Street or P.O.) (Apt/Unit)</i>	
		41. City/Town	42. State
45. Signature of Witness <i>(Signature Required)</i>		46. Witness Printed Name	
47. Signature of Witness <i>(Signature Required)</i>		48. Witness Printed Name	

2. What if a marriage license was issued prior to the new law taking effect and the parties plan to have the ceremony on or after July 1st?

For marriage licenses that have been issued prior to the new law taking effect and the ceremony is to occur on or after July 1st, the municipal clerk who issued the marriage license or the licensed marriage officiant should also cross out the “notary public” reference on the marriage license and either type or print “licensed marriage officiant (Maine Resident)” as shown in the example above.

3. Do I need to obtain a “marriage officiant license” from the Secretary of State if I am an ordained minister?

No, the marriage officiant license is for individuals that do not currently have a title or the authority to perform marriages in the State of Maine. Maine law, 19-A MRS §655 specifies persons authorized to solemnize marriages in Maine. The following persons are authorized:

If a resident of this State:

- ✓ A justice or judge;
- ✓ A lawyer admitted to the Maine Bar; or
- ✓ A marriage officiant licensed under [Title 5, section 90-G](#); **NEW**

Whether a resident or nonresident of this State and whether or not a citizen of the United States:

- ✓ An ordained minister of the gospel;
- ✓ 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; and
- ✓ A nonresident of the State who has a temporary registration certificate issued by the Data, Research, and Vital Statistics (DRVS) office.

4. What are the requirements to obtain a “marriage officiant license” and how do I apply?

Requirements. To qualify for a marriage officiant license to solemnize marriages in this State, an individual must:

- ✓ Be at least eighteen (18) years of age;
- ✓ Be a resident of this State;
- ✓ Demonstrate an ability to read and write the English language; and
- ✓ Demonstrate an understanding of the laws and rules governing marriages in this state under Title 19-A Chapter 23.

A “resident of this State” means having established a fixed and principal home in the State of Maine, to which the individual, whenever temporarily absent, intends to return.

Application. A resident of this State who is at least eighteen years of age may apply to the Secretary of State to obtain a license as a marriage officiant authorized to solemnize marriages in the State.

The application must be submitted on a form designed by the Secretary of State and must contain the following information:

- ✓ The full legal name of the applicant;
- ✓ The applicant's date of birth;
- ✓ The physical address of the applicant's place of residence in Maine;
- ✓ The applicant's contact information, including mailing address, telephone, and email address; and
- ✓ The applicant's answers to questions regarding the obligations of a person solemnizing marriages in Maine pursuant to 19-A M.R.S. chapter 23.
- ✓ The application must be submitted with the \$25 application fee.

For more information, please visit the Secretary of State's website at <https://www.maine.gov/sos/cec/notary/marriage/marriageofficiant.html>. If you have any questions regarding the requirements or application, please feel free to contact the Secretary of State's office at (207) 624-7752 or cec.notaries@maine.gov.

5. How do I find a listing of marriage officiants that have been licensed by the Secretary of State?

After a marriage officiant license has been issued, the licensee's name, city or town of residence, contact telephone number, and email address will be posted on the Secretary of State's public website at https://apps1.web.maine.gov/cgi-bin/online/notary/search/search_index.pl.

6. How do I obtain the authority to perform a marriage in Maine if I am not a resident of Maine?

A non-resident who is an ordained minister of the gospel, 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; or a nonresident of the State who has a temporary registration certificate issued by the Office of Data, Research, and Vital Statistics (DRVS) are authorized to perform marriages in the State of Maine without applying for a "marriage officiant license" issued by the Secretary of State's office.

A temporary registration certificate is for residents of another State who are already authorized under the laws of their State to solemnize marriages. Questions on out-of-state temporary registration certificates may be directed to Rebecca Ashley at (207) 287-6490 or Rebecca.Ashley@maine.gov. The temporary registration certificate and instructions may be found on DRVS website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml>.

7. What is my responsibility as an officiant?

Before any marriage is solemnized in the State of Maine, a marriage license must be obtained by the parties who are intending to be married. Parties who reside in the State of Maine must obtain a marriage license from Data, Research, and Vital Statistics (DRVS) or the municipality in which they reside. Parties who live out of State may obtain the marriage license from DRVS or any municipality in the State of Maine.

It is the officiant's responsibility to ensure the following items are completed on the marriage license **before** the solemnization of the marriage:

- The marriage license has been signed and issued by the DRVS or a municipal clerk authorizing the marriage to take place (box 26, please see paragraph above).
- The marriage license has not expired (box 24).
- Both parties' signatures and printed names are on the license (boxes 19 & 21). If the license has not been signed by the parties intending to marry, the officiant must obtain their signatures.

It is the officiant's responsibility to ensure the following is completed on the marriage license **after** the solemnization of the marriage:

- The date of marriage is the actual date the marriage was solemnized (box 28).
- The place and county are where the marriage took place (boxes 29-30).
- The officiant's signature, title, and printed name (boxes 31-33).
- The officiant's date of ordination, commission, or expiration (box 34).
- The officiant's residence and mailing address (boxes 35-44).
- Both the witness's signatures and printed names (boxes 45-48).

THE OFFICIANT MUST PERSONALLY MAIL OR BRING THE COMPLETED MARRIAGE LICENSE TO THE ISSUING AUTHORITY SPECIFIED IN BOX 27. DO NOT GIVE THE PARTIES THE COMPLETED LICENSE TO FILE.

The issuing authority will review the completed marriage license for any errors or discrepancies and will sign in boxes 49 & 50. A marriage certificate may be obtained once the marriage license has been filed and registered in the Electronic Marriage Registration System (EMRS).

8. How long is a marriage license valid?

A marriage license is valid for 90 days from the date intentions are filed with the DRVS or municipal office. If the license is expired (item # 24 on the marriage license), the parties must obtain a new one before the marriage ceremony can be performed.

9. Can I solemnize a marriage for parties that are younger than 18 years of age?

DRVS or a municipal clerk may issue a marriage license to parties under 18 years of age if the written consent of their parents, guardians, or persons to whom a court has given custody has been provided prior to the issuance of the marriage license. Marriages for parties under 16 years of age are not permitted.

10. Can I solemnize a marriage for a party who is not physically present for the ceremony?

No, marriages by proxy or marriages performed via the Internet are not permitted in the State of Maine. The officiant, both parties, and two witnesses must be physically present for the ceremony.

11. Is there an age limit for the witnesses to a marriage?

No, although witnesses must be able to read, write, and sign their names as well as understand what is being asked of them.

12. Can I use a Maine marriage license to solemnize a marriage in another State?

No. Any marriage license issued by DRVS or a municipal clerk is only valid for marriages performed in the State of Maine.

13. Can I solemnize a marriage for an incarcerated individual?

Yes, if the intended spouse who is not incarcerated has obtained a marriage license from the municipality where the incarcerated individual resided prior to their incarceration or from the intended spouse's municipality (if different), an officiant may perform a ceremony at the prison or jail. It is recommended to obtain prior approval from the prison or jail before the ceremony.

For more information regarding incarcerated individuals, please see page 16 of the marriage portion of the municipal clerk's manual at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html>.

14. Can I solemnize a marriage for a person whose death is imminent?

Yes, if the intended spouse whose death is not imminent has obtained authorization from a minister, clergy, priest, rabbi, or attending physician and presented the authorization and the notarized marriage intentions to the municipality where they reside to obtain a marriage license, an officiant may perform a ceremony at the medical facility.

For more information regarding marriages for individuals whose death is imminent, please see page 17 of the marriage portion of the municipal clerk's manual at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html>.