



Name of Country and Jurisdiction:
Maine, United States

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Maine, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Maine for an authority to grant a divorce/ dissolution?



1. What forms of legally recognized relationships are available?



LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Maine	Me. Rev. Stat. Ann. tit. 19-A, § 650-A; <i>Obergefell v. Hodges</i> , 576 U.S. _____ (2015)	Yes Me. Rev. Stat. Ann. tit. 19-A, § 650-B
Domestic partnership, registered	Maine	Me. Rev. Stat. Ann. tit. 22, § 2710	Yes

NOTE: On June 26, 2015, the United States Supreme Court issued a decision in four consolidated cases from the Sixth Circuit Court of Appeals under the name *Obergefell v. Hodges*, 576 U.S. _____ (2015), regarding same-sex marriage. The appeals arose from federal district court decisions in Michigan, Kentucky, Ohio, and Tennessee, which struck down as unconstitutional laws that denied the 14 petitioners the right to marry or refused to give full recognition to marriages lawfully performed in another state. The laws at issue in those states define marriage as a union between one man and one woman. The Sixth Circuit had reversed those decisions (in *DeBoer v. Snyder*, 772 F.3d 388 (2014)), holding that a state had no constitutional obligation to allow same-sex marriages or to recognize those performed in another state. In a 5-4 majority opinion, the U.S. Supreme Court held that the Fourteenth Amendment requires a state to license marriages between same-sex couples and to recognize lawfully performed same-sex marriages from another state. The Court held that the right to marry is protected under both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. Because the Court found that state laws at issue burden the liberty and abridge the equality of same-sex couples, they must be struck down.

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2. What are the requirements to be able to enter into the above relationships?

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(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	No residency requirement. Both parties may reside outside the state. If one or both individuals are residents, the couple may apply for a marriage license with the office of the clerk in the municipality where one of the parties resides. If neither party is a resident, then the couple can register in any municipality.
Domestic partnership	Domestic partners must have been legally domiciled in Maine for 12 months prior to registration.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	To marry, both parties must be: <ul style="list-style-type: none"> • Unmarried; • Mentally competent adults; • Genetically unrelated—although cousins can marry if they provide a physician's certificate of genetic counseling; and • At least 18, or if 16 or 17, with the consent of a parent or guardian, or if under 16, with the consent of a parent or guardian and the probate judge's written consent.
Domestic partnership	Domestic partners, at the time of registration, must be: <ul style="list-style-type: none"> • Neither married nor in a registered domestic partnership with another person; • Not related in a fashion that would prohibit marriage under Me. Rev. Stat. Ann. tit. 19-A, § 701; • Not impaired by reason of mental illness or mental retardation; and • Legally domiciled together in Maine for the previous 12 months.

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3. If both marriage and civil unions exist:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).

A	(a)	<ul style="list-style-type: none"> • A marriage can be performed only by an ordained minister, a judge or justice, a lawyer admitted to practice in Maine, or a notary public. • Domestic partnerships are handled by the Maine Center for Disease Control and Prevention.
	(b)	Marriage automatically dissolves a domestic partnership; individuals cannot enter into a domestic partnership if they are married or in another registered domestic partnership.
	(c)	<ul style="list-style-type: none"> • Same-sex couples are treated the same as opposite-sex couples in both marriages and domestic partnerships. • Registered domestic partners are accorded legal status similar to that of married persons with respect to matters of probate, guardianship, conservatorship, inheritance, and protection from abuse.

Q 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

A	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	A person currently married or two individuals who are related by blood cannot marry.
	Domestic partnership	A person either currently married or in a registered domestic partnership with another individual cannot enter a domestic partnership.

Q 5. When a couple comes to Maine, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

A	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	<ul style="list-style-type: none"> • Maine recognizes a validly licensed and certified same-sex marriage performed in another jurisdiction. • However, marriages—both same- and opposite-sex—performed in another jurisdiction that would violate any provision of Maine’s marriage laws are not recognized.
	Domestic partnership	Maine requires 12 months of legal residence in the state before a couple can register as domestic partners.



6. How can each form of relationship be dissolved? What is the residency requirement or other link to Maine for an authority to grant a divorce/ dissolution?



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A Maine district court can grant a separation decree or a divorce.
Domestic partnership	<ul style="list-style-type: none"> Domestic partnerships are automatically terminated if either registered partner marries. Termination can also be accomplished by filing a notice of termination with the Maine CDC vital records office. Termination does not have to be mutually agreed upon.

NOTE: Maine residents passed a referendum in 2012 that reversed a previous bill banning same-sex marriage. In most instances, Maine law makes no distinction between opposite-sex and same-sex relationships. Civil unions are not applicable in Maine because same-sex marriage is now legal.

Sources:

- Me. Rev. Stat. Ann. tit. 19-A, §§ 650-A, 650-B, 651, 652, 701, 901.
- Me. Rev. Stat. Ann. tit. 22, § 2710.
- *Obergefell v. Hodges*, 576 U.S. _____ (2015).
- Maine Division of Public Health, Domestic Partner Registry, available at <http://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/order/domstcprtnrspge.html>.