

Chapter 720: RULES GOVERNING THE LICENSING OF MARRIAGE OFFICIANTS  
WHO ARE AUTHORIZED TO SOLEMNIZE MARRIAGES IN MAINE

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**SUMMARY:** This rule implements the provisions of Title 5, section 90-G regarding the licensing of marriage officiants who are thereby authorized to solemnize marriages in Maine pursuant to Title 19-A, chapter 23.

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**SECTION 1: ELIGIBILITY FOR A MARRIAGE OFFICIANT LICENSE**

1. **General eligibility requirements.** To qualify for a marriage officiant license to solemnize marriages in this State, an individual must:
  - A. Be at least 18 years of age;
  - B. Be a resident of this State;
  - C. Demonstrate an ability to read and write the English language; and
  - D. Demonstrate an understanding of the laws and rules governing marriages in this state under Title 19-A chapter 23.

For purposes of this rule, being 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.

2. **Requirements for a commissioned notary public.** An individual who has a valid commission as a notary public issued by the Secretary of State and is a resident of this State is automatically eligible for a marriage officiant license.

**SECTION 2: APPLICATION PROCESS**

1. **General 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 to serve 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:
  - A. Full legal name of the applicant;
  - B. Applicant’s date of birth;
  - C. Applicant’s residence address;
  - D. Applicant’s contact information, including mailing address, telephone and email address; and
  - E. 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 application fee prescribed by 5 M.R.S. § 86.

2. **Notary public.** A resident of this State who applies for a notary public commission does not need to file a separate application for a marriage officiant license but instead must indicate on the notary application form if the notary declines to have a marriage officiant license issued along with the notary commission. If the applicant for a notary public commission declines and later wishes to become authorized to solemnize marriages, the individual must file a separate application for a marriage officiant license.

### **SECTION 3: ISSUANCE OF LICENSE AND PUBLIC LISTING OF LICENSEES**

1. **License.** If the Secretary finds an application to be complete and finds that the applicant satisfies the criteria set forth in section 1 of this rule, the Secretary shall issue a marriage officiant license to the applicant.
2. **Notary public.** A notary public with a valid commission issued by the Secretary of State who is a resident of this State shall be issued a marriage officiant license for the remaining term of the notary public commission unless the notary public submits written notice to the Secretary of State on a form prescribed by the Secretary of State declining to be licensed as a marriage officiant. A notary public who declines and later wishes to become authorized to solemnize marriages must file a separate application for a marriage officiant license pursuant to section 2, subsection 1 of this rule.
3. **Public list of licensees.** After a license has been issued, the licensee's name, residence address and contact information will be posted on the Secretary of State's publicly accessible web site.

### **SECTION 4: TERM OF LICENSE**

For a licensee who is also commissioned as a notary public, a marriage officiant license is valid for the term of the notary public commission. For all other licensees, a marriage officiant license is issued for a period of 7 years.

### **SECTION 5: LICENSE AMENDMENTS**

1. **Obligation to notify Secretary of State of changes to licensing information.** Within 30 calendar days of the occurrence of any change to the licensee's legal name, physical address, or contact information on file with the Secretary of State, the licensee must notify the Secretary of State of the change by submitting the form prescribed by the Secretary of State and made available on the Secretary's website.
2. **Issuance of amended license.** If the licensee's legal name or municipality of residence has changed, the Secretary of State shall issue an amended license reflecting the change, which shall remain in effect for the term of the license being amended unless there is a further change to the licensee's information before that expiration date. The licensee shall remain authorized to solemnize marriages while awaiting receipt of the amended license.

### **SECTION 6: LICENSE RENEWAL**

1. **Notice of expiration.** The Secretary of State will provide written notification to the licensee at least 30 calendar days prior to the expiration date on the marriage officiant license. Notice will be sent to the email address on the most recent license application or amended information on file with the Secretary of State. If the licensee does not have an

email address, the notice will be sent by U.S. Postal Service, regular first-class mail to the address on file for that licensee. Failure of the licensee to receive the notice does not delay or extend the expiration date of the license.

2. **Renewal application.** A licensee who wishes to continue to be licensed as a marriage officiant must submit the renewal application to the Secretary of State on a form prescribed by the Secretary of State before the expiration date on the current marriage officiant license. The application must include the information required in section 2 of this rule.
3. **Renewal of license issued with notary commission.** A marriage officiant license issued to a notary public along with the notary's commission will automatically renew upon renewal of the notary public commission unless the notary public indicates on the application to renew the notary commission that the notary declines to be licensed as a marriage officiant.
4. **Deadline for filing.** If the licensee fails to file a renewal application before the expiration of the current marriage officiant license, then the license expires, and the licensee is no longer authorized to solemnize marriages until a new marriage officiant license is issued.

#### **SECTION 7: DENIAL, REVOCATION, SUSPENSION OR NONRENEWAL OF LICENSE**

1. **Grounds.** The Secretary of State may deny, refuse to renew, suspend or revoke a marriage officiant license based on a finding that the applicant or licensee:
  - A. Does not meet one or more of the criteria set forth in section 1 of this rule;
  - B. Has failed to comply with any of the statutory requirements for a person solemnizing a marriage set forth in 19-A M.R.S. chapter 23; or
  - C. Has failed to comply with any provision of the statute or rules governing notaries public if the applicant or licensee is a notary public.
2. **Notice of Hearing.** Before issuing a denial, suspension or revocation of a marriage officiant license, the Secretary of State shall provide written notice to the applicant or licensee with an opportunity to request a hearing pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter 5.
3. **Decision.** After hearing, the Secretary shall issue a final written decision, which may be appealed to Superior Court pursuant to 5 M.R.S. chapter 375, subchapter 7.

#### **SECTION 8: VOLUNTARY SURRENDER OF LICENSE**

A licensee may voluntarily surrender their license at any time by submitting written notice to the Secretary of State of the intent to terminate their authority to solemnize marriages. The marriage officiant license shall no longer be valid as of the date of the written notice. Upon submission of the written notice, the licensee must return their license certificate to the Secretary of State.

STATUTORY AUTHORITY:  
Title 5 Section 90-G

EFFETIVE DATE:  
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