

§653. Filing of cautions

1. Filing; enter notice. A person who believes that parties are about to contract marriage when either of them can not lawfully do so may file a caution and the reasons for the caution in the office of the clerk where notice of their intentions is required to be filed or with the State Registrar of Vital Statistics. If either party applies to enter notice of their intentions, the clerk or State Registrar of Vital Statistics shall withhold the license until the judge of probate from the county involved approves the marriage.

[PL 2019, c. 340, §12 (AMD).]

2. Procedure. Before the judge of probate may approve a marriage, the court must give due notice and an opportunity to be heard to all concerned parties. The judge of probate shall determine whether the parties may lawfully contract marriage within 7 days unless the judge of probate certifies that further time is necessary for that purpose. In that case, a license must be withheld until the expiration of the certified time. The clerk or State Registrar of Vital Statistics shall deliver or withhold the license in accordance with the final decision of the judge of probate.

[PL 2019, c. 340, §12 (AMD).]

3. Judgment for costs. If the judge of probate determines that the parties may lawfully contract marriage, the judge shall enter judgment against the person filing the caution for costs and issue execution for costs.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2019, c. 340, §12 (AMD).

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