

§701. Prohibited marriages; exceptions

1. Marriage out of State to evade law. When residents of this State, with intent to evade this section and to return and reside here, go into another state or country to have their marriage solemnized there and afterwards return and reside here, that marriage is void in this State.

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

1-A. Certain marriages performed in another state not recognized in this State. Any marriage performed in another state that would violate any provisions of subsections 2 to 4 if performed in this State is not recognized in this State and is considered void if the parties take up residence in this State. [IB 2011, c. 1, §5 (AMD).]

2. Prohibitions based on degrees of consanguinity; exceptions. This subsection governs marriage between relatives.

A. A man may not marry his mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister, mother's sister, the daughter of his father's brother or sister or the daughter of his mother's brother or sister. A woman may not marry her father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother, mother's brother, the son of her father's brother or sister or the son of her mother's brother or sister. A person may not marry that person's parent, grandparent, child, grandchild, sibling, nephew, niece, aunt or uncle. [IB 2011, c. 1, §5 (AMD).]

B. Notwithstanding paragraph A, a man may marry the daughter of his father's brother or sister or the daughter of his mother's brother or sister, and a woman may marry the son of her father's brother or sister or the son of her mother's brother or sister as long as, pursuant to sections 651 and 652, the man or woman provides the physician's certificate of genetic counseling. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]
[IB 2011, c. 1, §5 (AMD).]

3. Persons subject to guardianship. A person for whom a guardian or limited guardian has been appointed under Title 18-C, section 5-301 may not contract marriage without the approval of the appointed guardian. For persons under limited guardianship, this subsection applies only if the court has granted the specific power to contract for marriage to the guardian.

A. [PL 2011, c. 542, Pt. A, §20 (RP).]

B. [PL 2011, c. 542, Pt. A, §20 (RP).]

[PL 2017, c. 402, Pt. C, §35 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

4. Polygamy. A marriage contracted while either party has a living spouse from whom the party is not divorced is void.

[PL 2019, c. 340, §14 (AMD).]

5. Same sex marriage prohibited. (REPEALED)

[IB 2011, c. 1, §5 (RP).]

6. Marriage void. A marriage contracted when either party has failed to submit a certificate or certified copy of the divorce decree or annulment of the last marriage or the death record of the last spouse or when either party has intentionally lied about the number of previous marriages is void.

[PL 2019, c. 340, §15 (NEW).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 65, §3 (AMD). PL 2007, c. 695, Pt. C, §4 (AMD). IB 2011, c. 1, §5 (AMD). PL 2011, c. 542, Pt. A, §20 (AMD). PL 2017, c. 402, Pt. C, §35 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 340, §§14, 15 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF).

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