

INSTRUCTIONS AND INFORMATION FOR THE DOMESTIC PARTNER REGISTRY IN MAINE

Effective July 30, 2004, Public Law 672 regarding Domestic Partner Registration will allow individuals who have been legally domiciled together in this state, for at least 12 months, to submit a notarized registration form (Declaration of Domestic Partnership) to the State Office of Vital Records to have their partnership legally registered. *The Domestic Partner Registration allows individuals to have rights of inheritance (as specified in Title 18-A M.R.S.A.) as well as the right to make decisions regarding the disposal of their deceased partners remains (Title 22 M.R.S.A. §2843-A).*

Persons who wish to register their domestic partnership, or persons who wish to terminate an already registered domestic partnership, may obtain the appropriate forms at the following locations:

- Municipal Offices in Maine
- Regional offices of Department of Health & Human Services;
- Probate Courts within Maine;
- Online at www.state.me.us/dhs/bohodr/ovrpage.htm

REGISTERING YOUR DOMESTIC PARTNERSHIP

Persons wishing to register their domestic partnership must obtain a **Declaration of Domestic Partnership** (form VS DP) at one of the above locations and, upon completion, file the declaration at: **Office of Vital Records, #11 State House Station, Augusta, Maine 04333-0011 with a filing fee of \$35.00. (*Checks should be made payable to 'Treasurer, State of Maine'.*)** Partners will be responsible to complete the declaration and have their signatures notarized **BEFORE** filing the declaration with the Office of Vital Records. The Office of Vital Records will be responsible for the filing of the declarations and issuance of certified copies **ONLY**. Persons registering as domestic partners should not expect to be able to complete a declaration at the Office of Vital Records at the time of filing.

You are eligible to be a registered domestic partner if:

- A. At the time when a declaration is filed, each domestic partner is a mentally competent adult and not impaired or related in a fashion that would prohibit marriage under Title 19-A M.R.S.A. section 701 (2), (3) or (4). (*See back of brochure for relevant sections of Title 19-A §701*)
- B. The domestic partners have been legally domiciled together in this State for at least 12 months preceding the filing;
- C. Neither domestic partner is married; or in a registered domestic partnership with another person; and
- D. Each domestic partner is the sole domestic partner of the other and expects to remain so.

Once you have registered your Declaration of Domestic Partnership with the Office of Vital Records in Augusta and the registration fee has been received, you will receive, in the mail, two (2) certified copies of your declaration.

If, at any time in the future, you need additional certified copies of your declaration, you will be able to purchase them at the Office of Vital Records, either in person or through the mail. To purchase one copy of the declaration the fee is \$15.00. Additional copies purchased, **at the same time** will cost \$6.00 each.



It is important to remember that a registered domestic partnership is NOT the same as a marriage and does not entitle partners to rights other than those for which the registry was intended. This registry is intended to allow individuals to have rights of inheritance as well as the rights to make decisions regarding disposal of their deceased partners remains.

TERMINATION OF DOMESTIC PARTNERSHIP

If, after you have registered your partnership with the Office of Vital Records, one or both partners wish to terminate the partnership, termination may be accomplished by filing a Notice of Termination with the Office of Vital Records. There are a few ways to do this and it is important that you thoroughly research the methods available since terminating a domestic partnership may affect inheritance rights. *Please read the next sections carefully.* Before filing a termination, if you have ANY questions, please contact the Office of Vital Records at (207) 287-3148.

A. Termination by Marriage

A registered domestic partnership is automatically terminated by the marriage of either registered domestic partner.

B. Termination by Mutual Consent

A registered domestic partnership is terminated immediately upon the filing of a 'Termination of Domestic Partnership by Mutual Consent' (form VS DPMT). Before filing this form with the Office of Vital Records, EACH partner must agree to the termination and indicate their agreement by signing, in front of a notary public, the termination form. Remember – Signatures **MUST BE NOTARIZED**. This form must be completed prior to registration at the Office of Vital Records. There is a \$35.00 filing fee to terminate a registered domestic partnership in this manner.

C. Alternate Notice of Termination of Domestic Partnership

A registered domestic partnership may also be terminated if only one partner wishes to terminate the partnership. This is done by using the Alternate Notice of Termination of Domestic Partnership (form VS DP AS). This is a two-page form. The first page is the actual notice that must be completed, photocopied, and then **the PHOTOCOPY must be served on the other partner**. The **ORIGINAL must be filed with the Office of Vital Records** along with the original second page entitled 'Proof of Service'. This two-page form allows one partner to serve a notice of their intention to terminate the partnership upon the other partner.

The notice may be served in one of the following methods:

- ***Personal Service.*** This is the method used when the terminating partner **PERSONALLY** delivers a notice of intention to terminate their domestic partnership upon the other partner, and **NO ONE ELSE**.
- ***Substitute Service In State.*** This method may be used when the terminating partner is personally serving either the other partner or a person of suitable age and discretion residing in the State of Maine at the dwelling house or usual place of abode of the other partner. *If the notice is served to a person other than the domestic partner, that person MUST be a person residing with the partner receiving notice*

- ***Substitute Service Outside State.*** This method applies when the same circumstances apply as in Substitute Service, except it occurs outside the State of Maine. Remember, Substitute Service is accomplished *in person* when the terminating partner serves notice upon the other partner or a person of suitable age and discretion at the dwelling house or usual place of abode of the other partner out of state. *If the notice is served to a person other than the domestic partner, that person MUST be a person residing with the partner receiving notice.*
- ***Service by Mail.*** When the terminating partner is unable, after diligent effort, to personally serve the other partner, service may be made by mail. In this case, on the Proof of Service form, the terminating partner checks off the box entitled ‘Service by Mail’ and that partner must explain in writing the reasons he or she was not able to personally serve the other partner.

Service by Publication. The Maine Rules of Civil Procedure allows for a partner to obtain, from a district or superior court, an order for service by publication when the terminating partner is unable to locate or serve the other partner by any other method. The order must be published, for three successive weeks, in a designated newspaper of general circulation in the county where the two partners were domiciled. The notice must also be mailed to the address of the other partner if it is known. If this method is used, the original notice must be filed with the Office of Vital Records **ALONG WITH A COPY OF THE COURT ORDER AND THE AFFIDAVIT FILED WITH THE COURT** as proof of service.

- ***Alternate Method of Service of Notice.*** If some other form of service, not mentioned above, but in accordance with Rule 4 of the Maine Rules of Civil Procedure was used, then this box may be checked off on the ‘Proof of Service’ form. The reasons for serving the other partner and a description of the method used must be written on the ‘Proof of Service’ in the spaces provided.

***Maine Rules of Civil Procedure may be viewed online at
www.maine.gov/dhs/bohodr/ovrpage.htm**

If the Alternate Notice of Termination of Domestic Partnership form is used to terminate a partnership, it is important to realize and remember that **the notice of termination will not be effective until 60 days after service is complete.** Service, by any of the methods on this form, is only complete after the service has been made and the Notice of Termination, along with Proof of Service (and any other documentation required) has been filed and accepted for filing at the Office of Vital Records. This means that the termination will be effective 60 days from the date the termination is filed.

The following sections of Title 19-A, M.R.S.A. §701, are relevant to the filing of a Declaration of Domestic Partnership:

Section 701 (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.
- 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.

Section 701 (3): Persons under disability. A person who is impaired by reason of mental illness or mental retardation to the extent that that person lacks sufficient understanding or capacity to make, communicate or implement responsible decisions concerning that person's property or person is not capable of contracting marriage. For the purposes of this section:

- A. "Mental illness" means a psychiatric or other disease that substantially impairs a person's mental health; and
- B. "Mental retardation" means a condition of significantly subaverage intellectual functioning resulting in or associated with concurrent impairments in adaptive behavior and manifested during the developmental period.

Section 701 (4): Polygamy. A marriage contracted while either party is not divorced from living wife or husband is void.

Persons registering a Domestic Partnership in Maine, must not be impaired or related in a fashion that would prohibit marriage under the above sections.

Non-Discrimination Notice

The Department of Health and Human Services (DHHS) does not discriminate on the basis of disability, race, color, creed, gender, age or national origin in admission to, access to, or operations of its programs, services or activities or its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990; the Civil Rights Act of 1964 as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and the Maine Human Rights Act.

Questions, concerns, complaints or requests for additional information may be forwarded to the DHHS ADA/EEO Compliance Coordinator, #11 SHS, Augusta, ME 04333-0040; (207) 287-2567 (voice); (207) 287-1888 TTY.

Individuals who need auxiliary aids or services for effective communication in programs and services of DHHS are invited to make their needs and preferences known to the ADA/EEO compliance Coordinator.

This information is available in alternate formats upon request.

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John Elias Baldacci, Governor
John R. Nicholas, Commissioner