

TESTIMONY BY THE HONORABLE NEIL ROLDE

IN FAVOR OF LD 1020

Speaking as a Maine historian, marriage – and the laws on marriage – have always been dictated in our State by the civil authorities – while often lurking in the background are the pressures exerted by religious groups.

From 1652 on, when Maine was incorporated into Massachusetts, there was for more than a century an *established* religion. Today, we would call it the Congregational Church. It was initially against the law to belong to any other church and the first discriminations were against Episcopalians and Baptists. Even when later there was some tolerance of these other groups, they still had to tithe to the Congregational Church and help pay for its ministers.

The first indication of marriage law in this situation occurred in the late 18th century. A small District of Maine group of Roman Catholics had come to live in the vicinity of Newcastle, where they were allowed to build a church. But when Bishop Jean Cheverus arrived from Boston to perform a marriage for these folks, he ran afoul of the law. It was illegal then to perform a Catholic marriage ceremony here. Bishop Cheverus was arrested and tried. If convicted, he would not only have been fined, but pilloried in a public place. However, the trial ended inconclusively when the judge was incapacitated after falling off his horse.

Once we achieved state hood, Maine passed its own laws and the first marriage law was promulgated in 1822. Among other things, it voided all marriages where “either of the parties shall have a former wife or husband living at the time of such marriage” – so much for divorce – and “all marriages between any white person and any Negro, Indian and Mulatto shall be absolutely void.”

That was section 2 of the bill. In section 3, it stated who could perform marriages – the

first being Justices of the Peace, the civil authority, followed by ordained ministers of the gospel. There was no monopoly given to religion.

Because I don't have much time, I must skip over the various changes that were made to the original law.

However, I would just dwell for the moment on several amending acts of 1883. The first repealed the anti-miscegenation clauses, and substituted "no insane person or idiot shall be capable of contracting marriage" and later in the session, another amendment emphasized that paupers were not to marry but Quakers could.

In any event, the picture is drawn that change was continual on the issue of marriage in Maine and seeming always to trend toward liberalization.

This bill today, LD 1020, surely moves in the direction of Maine history.

One final personal note. A month ago, my wife and I celebrated our 49th wedding anniversary. For the life of me, I cannot figure out how the passage of this bill would somehow adversely affect our marriage, as some people have warned. No, my wife and I will go on as we have so far, hoping to reach our golden commemoration and hoping, too, if we do, that friends of ours, a gay couple in California, Michael and Larry, will be able to join us with our family and friends in sharing our happiness.....I urge you to vote Ought To Pass.