

DIOCESE OF PORTLAND

MARRIAGE

(Promulgated October 1, 2010)

I. Place

*Definitions:*

**Sacramental Marriage** : a marriage between two baptized persons

**Non-Sacramental Marriage** : a marriage in which at least one person is non-baptized.

- A. All marriages which are officiated by a priest or deacon are to take place in a church [cf. c. 1118 §1]. By “church” is to be understood a Roman Catholic parish or mission church. The law is not understood to mean a nondenominational chapel or non-Catholic church, or even a Catholic oratory or the chapel of a religious community. In this diocese, weddings in such places require the permission of the local ordinary [cf. c. 1118 §2].
- B. If a priest or deacon proposes to celebrate a non-sacramental marriage in a non-Catholic, non-denominational, or secular building, this proposal must be reviewed by the Department of Canonical Services. The Department of Canonical Services will not give its approval unless it is clear that the proposed place of the wedding is suitable [cf. c. 1118 §3]. In evaluating the suitability of a place, the Department of Canonical Services will consider especially whether the location will detract from the solemnity of the celebration and/or the Catholic Faith.
- C. If a priest or deacon proposes to celebrate a sacramental marriage in a non-Catholic, non-denominational, or secular building, permission must be obtained from the Department of Canonical Services. Permission will not be granted unless the place of the wedding is suitable (see section B, above) and there is a just reason.
- D. A more serious reason is required to allow the marriage of two Catholics to be celebrated by a priest or deacon in a non-Catholic, non-denominational, or secular building.
- E. Marriages which are officiated by a priest or deacon are never to take place in the home or out-of-doors [Agreement of the New England Bishops, 1972]. The Department of Canonical Services should be consulted if serious illness of one of the spouses or of their parents prevents them from getting to the church, and there is serious reason not to delay the marriage.
- F. When a couple wishes to marry in the Diocese with a Dispensation from Form, it is strongly preferred that the exchange of consent occurs in a

religious celebration and that the place of the wedding is a non-Catholic religious edifice [cf. the National Conference of Catholic Bishops (NCCB), "Implementation of the Apostolic Letter on Mixed Marriages" nn. 11 and 20, (November 16, 1970)]. If it would be inopportune, inappropriate, or spiritually disadvantageous to marry in a non-Catholic religious building, the wedding may be celebrated elsewhere, even out-of-doors, provided that there is some public, civilly valid exchange of consent [cf. *ibid.*, c. 1127 §2].

## II. Time

- A. In this diocese, in order to protect the integrity and primacy of the Sunday celebration and to lessen the burden on priests, weddings, including convalidations, are not permitted on Sundays and Holy Days of Obligation (including the preceding evenings). This applies from 4:00 p.m. Saturday and the eve of a Holy Day through the entire day on Sunday or the Holy Day. However, individual parishes can determine an earlier time if required by the demands of their weekend schedule.
- B. Two Catholics are permitted to marry during regularly scheduled weekend and Holy Day Masses. The liturgy, however, must follow the prescribed liturgy for that day.
- C. If a couple wishes to marry on a Sunday or Holy Day (and the preceding evenings) apart from the regularly scheduled Masses, a dispensation must be requested. This dispensation will not be granted unless the pastor/administrator of the place of marriage consents and provided that the celebration does not interfere with the presiding cleric's other ministerial duties.

## III. Delegation

- A. General delegation to assist at marriages granted by the general law to pastors is also granted in this diocese to parochial vicars, but only within the limits of the parish to which they are assigned.
- B. Deacons do not have general delegation and must be delegated each time they preside at a marriage.
- C. Both pastors/administrators and parochial vicars can delegate another specific priest for a specific marriage within the parish limits; only a pastor/administrator can delegate a deacon.
- D. Other clerics with the faculties of the diocese do not have delegation for marriages, but must be delegated for each marriage by the

pastor/administrator or parochial vicar. This also applies to retired diocesan priests [and priests and deacons who have been granted faculties in another diocese].

- E. Within the scope of his delegation, a delegated cleric validly assists at a marriage in the territory of a parish, even if the couple does not reside in that territory.
- F. A cleric may not officiate at a wedding in the role of merely a civil official. In the case when a couple is validly married, obtains a civil divorce, but does not obtain an annulment and later wishes to marry each other again in a civil ceremony, please consult the Department of Canonical Services.

#### IV. Premarital Formation

- A. According to Canon 1063 of the 1983 Code of Canon Law:

“Pastors of souls are obliged to take care that their ecclesiastical community offers the Christian faithful the assistance by which the matrimonial state is preserved in a Christian spirit and advances in perfection. This assistance must be offered especially by:

1° preaching, catechesis adapted to minors, youth, and adults, and even the use of instruments of social communication, by which the Christian faithful are instructed about the meaning of Christian marriage and about the function of Christian spouses and parents;

2° personal preparation to enter marriage, which disposes the spouses to the holiness and duties of their new state;

3° a fruitful liturgical celebration of marriage which is to show that the spouses signify and share in the mystery of the unity and fruitful love between Christ and the Church;

4° help offered to those who are married, so that faithfully preserving and protecting the conjugal covenant, they daily come to lead holier and fuller lives in their family.”

- B. “Telling Anew the Story of Marriage: Marriage Preparation Guidelines in the Diocese of Portland, Maine,” issued in 2008, constitutes the official policy of the diocese.
- C. There continues to be diversity in the interpretation of this policy. Some so strictly enforce the “Preparation Guidelines” that they avoid the responsibility of providing pastoral direction and care to a couple. Others seem to ignore the “Preparation Guidelines” and, thus, may not be insuring adequate preparation for marriage. The “Preparation Guidelines”

are guidelines and should be administered with common sense and pastoral care.

- D. In place of requiring banns, the United States Conference of Catholic Bishops (USCCB) has promulgated the following norms, which are binding in this diocese, in regard to the investigation of parties' freedom to marry:
1. The couple should receive appropriate education and pastoral preparation through participation in a marriage preparation program approved by the diocesan bishop;
  2. Parties should be questioned as to their freedom to marry;
  3. Baptized Catholics should present a recently issued annotated baptismal certificate;
  4. Where necessary, additional documentation (such as affidavits of parents) attesting to a Catholic party's freedom to marry should be presented;
  5. Baptized non-Catholics should present satisfactory proof of baptism and freedom to marry;
  6. Unbaptized persons should present satisfactory proof of freedom to marry;
  7. Preparation for marriage should be in conformity with the prescriptions of canon 1063 [regarding what must precede marriage] and canons 1064, 1071, 1072, 1086 §2 and 1125, which entrust certain situations to the special care of local ordinaries;
  8. Preparation for marriage should be in compliance with appropriate civil laws.
- E. Priests and deacons are also reminded that the six-month preparation period should be neither arbitrarily nor leniently enforced. There are, at times, special circumstances for which the six month period can be legitimately lessened. At the same time, the requirement cannot be easily dismissed due to our serious obligation to ensure that couples are prepared for sacramental marriage. When in doubt, please consult the Department of Canonical Services.
- F. In order to fruitfully receive the grace of marriage, Catholic spouses are urged especially to approach the sacraments of penance and of the Most Holy Eucharist in preparation for marriage.

If opportune, Catholics who are not yet fully initiated should receive the sacrament of confirmation before they are married. Specific circumstances and pastoral concerns, however, may indicate that confirmation would be best delayed.

- G. When one or both of the parties is under the age of eighteen, special care should be taken to ensure that the parties are aware of the responsibilities of the sacrament. The priest or deacon should give serious consideration to their intentions and verify that the civil law requirements have been met for the marriage of minors. He must present their case in writing as completely as possible to the Bishop and provide his recommendation as to whether the marriage take place or be postponed.
- H. Only the local ordinary may postpone a marriage against the will of the couple [cf. c. 1077]. Consequently, if a priest or deacon cannot in good conscience preside at a wedding and cannot persuade the couple to voluntarily postpone the wedding, he must petition the Bishop or a vicar general to temporarily prohibit the celebration of the marriage.

V. Dispensations/Permissions

- A. All applications are to be typed or printed and addressed the Department of Canonical Services.
- B. In addition to the norms on dispensations/permissions listed herein, priests and deacons should consult the 2010 “Guidelines for Dispensations and Permissions in the Diocese of Portland”, which was produced by the Department of Canonical Services.

C. Impediments

- 1. Mixed religion is not considered an invalidating impediment. However, the law stipulates that the permission of the local ordinary and the promise/declaration of the Catholic party are necessary for a marriage between a Catholic and a validly baptized non-Catholic.
- 2. The impediment of crime [cf. c. 1090] applies only to the following instances.
  - a. When one, with a view to entering marriage with a particular person, has killed that person’s spouse, or [one’s] own spouse.
  - b. When persons by mutual physical or moral action brought about the death of either’s spouse.
- 3. The diriment (or invalidating) impediments are:
  - a. age: male 16, female 14 [cf. c. 1083];

- b. impotence – please consult the Department of Canonical Services when the possibility of this impediment becomes known [cf. c. 1084];
  - c. prior bond [cf. c. 1085. N.B. The marriage of two non-Catholic persons, even if witnessed by a justice of the peace, is presumed to be valid until nullity has been established by a tribunal];
  - d. disparity of cult [cf. c. 1086];
  - e. sacred orders [cf. c. 1087];
  - f. perpetual vow of chastity [cf. c. 1088];
  - g. abduction [cf. c. 1089];
  - h. crime, as noted above [cf. c. 1090];
  - i. consanguinity [cf. c. 1091 for the degrees, up to and including first cousins];
  - j. affinity: prevents a person from validly marrying any direct descendent or ancestor of his or her former spouse from a valid marriage. [cf. c. 1092].
  - k. public propriety: prevents a person from validly marrying the mother, father, daughter, or son of a person with whom he or she lived in an invalid marriage or in notorious/public concubinage (cohabitation) [cf. c. 1093].
  - l. adoption: prevents a person from validly marrying his or her legally adopted parents, their direct ancestors, or his or her siblings through legal adoption [cf. c. 1094].
4. Requests for dispensations such as those from the impediment of disparity of cult [when Catholics propose to marry non-baptized persons] and permission for mixed religion must include reasons, among which are convalidation, danger of an attempted marriage, pregnancy when all other aspects of readiness for marriage are satisfactory, well-founded hope of conversion and removal of grave scandal. Other legitimate reasons may be present, as well.
  5. Since the USCCB has chosen not to require the publication of banns, no dispensation is required if banns will not be published. For the current norms on the investigation of parties' freedom to marry, see norms listed above in Section IV, subheading D.

6. Canonical Form

- a. Dispensations from canonical form may be requested to achieve family harmony or to avoid family alienation, to obtain parental consent to the marriage, to recognize the significant claims of relationship or special friendship with a non-Catholic clergyman, to permit the marriage in a church which has particular importance to the non-Catholic party, or in respect to the faith of the non-Catholic. Other legitimate reasons to grant a Dispensation from Form may be present, as well.
  - b. Only the local ordinary of the Catholic party has the right to dispense from canonical form after consulting the ordinary of the place where the marriage is to be celebrated [cf. c. 1127 §2]. Hence, if the Catholic party is not from Maine, the local ordinary or his delegate cannot grant this dispensation. It must be sought from the local ordinary of the diocese of the Catholic party. The Department of Canonical Services will assist the priest or deacon in petitioning for this dispensation in such an instance, but adequate time should be allotted to do so.
  - c. Record of marriage in this case is kept at the parish of the Catholic party [cf. c. 1121 §3]
  - d. Normally, a Dispensation from Form for the marriage of two Catholics cannot be granted by the local ordinary or his delegates. Only under rare and exceptional circumstances will the Holy See grant this dispensation for two Catholics.
7. The NCCB norms of November 16, 1970 ["Statement on the Implementation of the Apostolic Letter on Mixed Marriages"] serve as policy in this diocese [excepting those norms that have been abrogated or derogated by the 1983 Code, especially matters concerned with dispensations from canonical form. In case of doubt, consult the Department of Canonical Services.]
8. Mixed marriages may be celebrated with a nuptial Mass provided that both parties are baptized. However, because of differences in acceptance of doctrine and the sacramental life, it can be even more opportune for the ceremony to be outside of Mass, so that the religious convictions of the non-Catholic are respected.
9. When a dispensation is requested from the vicar forane and granted by him in the event of an emergency, the original application must be forwarded to the Department of Canonical Services for recording. The vicar forane should endorse the application.

VI. Witnesses

- A. There are no explicit requirements for witnesses, except that there are two. They may be of different or the same gender. Their religion is irrelevant. Implicit to the role is that they be of the age of reason, be present, and be capable of serving as a witness: that is, capable of comprehending and testifying to what is happening.

VII. Civil Marriage Licenses [Memo to all Clergy 9/8/81]

- A. In the State of Maine every ordained minister duly licensed by an ecclesiastical body may solemnize marriage, whether a resident or non-resident, and whether or not a citizen of the United States.
- B. On the license itself, priests and deacons should enter the date of ordination [even if a civil commission was formerly granted under state statutes prior to 1981].

VIII. Weddings on College Campuses

- A. It is presumed that a Catholic seeking marriage will do so in his/her own home parish. In order to be eligible for a Catholic wedding on a college campus, the party(ies) must be able to prove sufficient affiliation with the college/university [e.g., student, faculty, staff]. Ideally, one of the spouses will have a history of worship or religious practice on the campus. In other cases, the pastor of the local parish will exercise prudent judgment in determining exceptions to this rule. Before a wedding on a college campus is celebrated, it also may be necessary to seek permission from the Department of Canonical Services. See norms listed above in Section I.
- B. Certain basic principles of Canon Law must be observed:
  - 1. The visiting priest or deacon must obtain delegation for each individual wedding from the pastor/administrator of the local parish in which the chapel in question is located. Failure to do so will result in an invalid celebration.
  - 2. All paper work for the wedding must be submitted to the pastor/administrator of the local parish no later than one month before the ceremony. All marriages are to be recorded in the sacramental registers of the local parish in which the chapel is located.
  - 3. In the rare event of the marriage of two persons not affiliated with the campus, permission must be obtained by the pastor of either party. Delegation is still required from the pastor/administrator of the local parish.
- C. If you have any questions regarding this policy, you should contact the pastor/administrator of the local parish in which the chapel is located.



IX. Weddings in Other Dioceses

- A. In order to marry in a parish in which neither party lives, a Catholic needs to obtain permission from the local ordinary or from his or her proper pastor [cf. c. 1115].
- B. If a minister of marriage preparation of the Diocese of Portland has conducted the investigation of the parties' freedom to marry (i.e. completed the PMI Form) but the couple will marry in another diocese, the one who prepared the couple should forward the entire premarital file to the Department of Canonical Services. The Department of Canonical Services will review the file and forward it to the chancery of the other diocese.
- C. Since the premarital file will undergo an added review process, which may involve requests for additional information, the premarital file should be submitted to the Department of Canonical Services well in advance of the date of the wedding.

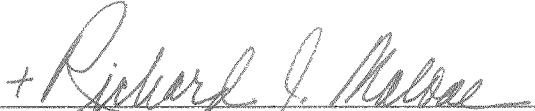
X. Marriage Preparation Conducted Outside the Diocese of Portland

- A. If a couple wishes to marry in the Diocese of Portland but an out-of-state minister of marriage preparation has conducted the investigation of the parties' freedom to marry in another diocese (i.e. completed a PMI Form or its equivalent), the premarital file must be forwarded to the local chancery of the place where the inquiry was conducted.
- B. Under the above circumstances, priests or deacons of the Diocese of Portland should inform the out-of-state minister of marriage preparation about the requirement to submit the premarital file to the local chancery so that it may be reviewed and forwarded to the Department of Canonical Services.
- C. Priests and deacons should remind out-of-state ministers of marriage preparation about the need to allot extra time before the wedding for this review.
- D. Upon completion of its review, the Department of Canonical Services will forward the premarital file to the place of marriage, unless directed otherwise.
- E. The Department of Canonical Services does not grant delegation to witness marriages.

- F. In accord with universal law, when an out-of-state couple marries in the Diocese (even if an out-of-state priest or deacon presides), they are bound to observe all of the marriage norms of the Diocese concerning the celebration of marriage [cf. cc. 13 §2 2°, 838 §4].

I declare that the norms established above will have the force of particular law as of October 1, 2010, with everything to the contrary, notwithstanding.

Given this twenty-third day of September, two-thousand ten, the sixth year of my episcopate.

  
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Most Reverend Richard J. Malone, ThD  
Bishop of Portland

  
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Chancellor