

HOUSE BILL 848

D4

8lr1455
CF SB 689

By: **Delegate Schuler**

Introduced and read first time: February 6, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Domestic Partnerships**

3 FOR the purpose of repealing references to “marriage” in certain provisions of law
4 governing marriage and substituting references to “domestic partnership”;
5 making certain provisions of law that previously applied to marriages apply to
6 domestic partnerships; providing that only a domestic partnership between two
7 individuals not otherwise prohibited from entering into a domestic partnership
8 is valid in this State; prohibiting certain individuals from entering into a
9 domestic partnership; repealing certain provisions of law relating to a Society of
10 Friends marriage ceremony; repealing certain provisions of law relating to a
11 premarital preparation course; clarifying that a certain provision of law does not
12 affect the right of a religious denomination to perform a marriage or domestic
13 partnership ceremony in accordance with the rules and customs of the
14 denomination; requiring that a foreign marriage be deemed a domestic
15 partnership in this State and subject to applicable laws and regulations;
16 establishing that parties to a domestic partnership have the same benefits,
17 protections, and responsibilities under law as spouses in a marriage; providing
18 that the terms “marriage”, “domestic partner”, and “domestic partnership” are
19 included in any use or definition of certain terms that denote marriage or the
20 spousal relationship; requiring that the dissolution of a domestic partnership
21 follows the same procedures and is subject to the same substantive rights and
22 obligations as apply to a divorce, including residency requirements; altering
23 certain definitions; making stylistic changes; and generally relating to domestic
24 partnerships.

25 BY repealing and reenacting, with amendments,

26 Article – Family Law

27 Section 2–101; 2–201 and 2–202 to be under the amended subtitle “Subtitle 2.
28 Valid Domestic Partnerships; Void Domestic Partnerships”; 2–301 to be
29 under the amended subtitle “Subtitle 3. Domestic Partnership of Certain
30 Minors”; and 2–401 through 2–403, 2–404(a), 2–405 through 2–409,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2–410(a)(1) and (2), and 2–501 through 2–503 to be under the amended
2 title “Title 2. Domestic Partnerships”
3 Annotated Code of Maryland
4 (2006 Replacement Volume and 2007 Supplement)

5 BY repealing
6 Article – Family Law
7 Section 2–404.1
8 Annotated Code of Maryland
9 (2006 Replacement Volume and 2007 Supplement)

10 BY adding to
11 Article – Family Law
12 Section 2–601 to be under the new subtitle “Subtitle 6. Effect of Domestic
13 Partnerships”
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2007 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Family Law**

19 Title 2.

20 **[Marriage]DOMESTIC PARTNERSHIPS.**

21 2–101.

22 (a) In this title the following words have the meanings indicated.

23 (b) “Authorized official” means an individual authorized by the laws of this
24 State to perform a **[marriage] DOMESTIC PARTNERSHIP** ceremony.

25 (c) “Clerk” means a clerk of the circuit court for a county.

26 (d) “License” means a license to **[marry] ENTER INTO A DOMESTIC**
27 **PARTNERSHIP** issued in this State.

28 Subtitle 2. Valid **[Marriages] DOMESTIC PARTNERSHIPS**; Void **[Marriages]**
29 **DOMESTIC PARTNERSHIPS.**

30 2–201.

31 Only a **[marriage] DOMESTIC PARTNERSHIP** between **[a man and a woman]**
32 **TWO INDIVIDUALS NOT OTHERWISE PROHIBITED FROM ENTERING INTO A**
33 **DOMESTIC PARTNERSHIP** is valid in this State.

1 2-202.

2 (a) Any [marriage] **DOMESTIC PARTNERSHIP** performed in this State that
3 is prohibited by this section is void.

4 (b) (1) [A man] **AN INDIVIDUAL** may not [marry his] **ENTER INTO A**
5 **DOMESTIC PARTNERSHIP WITH THE INDIVIDUAL'S:**

6 (i) grandmother **OR GRANDFATHER;**

7 (ii) mother **OR FATHER;**

8 (iii) daughter **OR SON;**

9 (iv) sister **OR BROTHER;** or

10 (v) granddaughter **OR GRANDSON.**

11 [(2) A woman may not marry her:

12 (i) grandfather;

13 (ii) father;

14 (iii) son;

15 (iv) brother; or

16 (v) grandson.]

17 [(3) (2) An individual who violates any provision of this subsection
18 is guilty of a misdemeanor and on conviction is subject to a fine of \$1,500.

19 (c) (1) [A man] **AN INDIVIDUAL** may not [marry his] **ENTER INTO A**
20 **DOMESTIC PARTNERSHIP WITH THE INDIVIDUAL'S:**

21 (i) grandfather's wife **OR GRANDMOTHER'S HUSBAND;**

22 (ii) wife's grandmother **OR HUSBAND'S GRANDFATHER;**

23 (iii) father's sister **OR BROTHER;**

24 (iv) mother's sister **OR BROTHER;**

25 (v) stepmother **OR STEPFATHER;**

- 1 (vi) wife's **OR HUSBAND'S** mother **OR FATHER**;
- 2 (vii) wife's **OR HUSBAND'S** daughter **OR SON**;
- 3 (viii) son's wife **OR DAUGHTER'S HUSBAND**;
- 4 (ix) grandson's wife **OR GRANDDAUGHTER'S HUSBAND**;
- 5 (x) wife's **OR HUSBAND'S** granddaughter **OR GRANDSON**;
- 6 (xi) brother's daughter **OR SON**; or
- 7 (xii) sister's daughter **OR SON**.

8 [(2) A woman may not marry her:

- 9 (i) grandmother's husband;
- 10 (ii) husband's grandfather;
- 11 (iii) father's brother;
- 12 (iv) mother's brother;
- 13 (v) stepfather;
- 14 (vi) husband's father;
- 15 (vii) husband's son;
- 16 (viii) daughter's husband;
- 17 (ix) husband's grandson;
- 18 (x) brother's son;
- 19 (xi) sister's son; or
- 20 (xii) granddaughter's husband.]

21 [(3) (2) An individual who violates any provision of this subsection
22 is guilty of a misdemeanor and on conviction is subject to a fine of \$500.

23 Subtitle 3. [Marriage] **DOMESTIC PARTNERSHIP** of Certain Minors.

1 (a) An individual 16 or 17 years old may not [marry] **ENTER INTO A**
2 **DOMESTIC PARTNERSHIP** unless:

3 (1) the individual has the consent of a parent or guardian and the
4 parent or guardian swears that the individual is at least 16 years old; or

5 (2) if the individual does not have the consent of a parent or guardian,
6 either party **INTENDING** to [be married] **ENTER INTO A DOMESTIC PARTNERSHIP**
7 gives the clerk a certificate from a licensed physician stating that the physician has
8 examined the woman, **IF APPLICABLE, INTENDING TO** [be married] **ENTER INTO**
9 **THE DOMESTIC PARTNERSHIP** and has found that she is pregnant or has given birth
10 to a child.

11 (b) An individual 15 years old may not [marry] **ENTER INTO A DOMESTIC**
12 **PARTNERSHIP** unless:

13 (1) the individual has the consent of a parent or guardian; and

14 (2) either party **INTENDING** to [be married] **ENTER INTO A**
15 **DOMESTIC PARTNERSHIP** gives the clerk a certificate from a licensed physician
16 stating that the physician has examined the woman, **IF APPLICABLE, INTENDING** to
17 [be married] **ENTER INTO THE DOMESTIC PARTNERSHIP** and has found that she is
18 pregnant or has given birth to a child.

19 (c) An individual under the age of 15 may not [marry] **ENTER INTO A**
20 **DOMESTIC PARTNERSHIP**.

21 2-401.

22 (a) An individual may not [marry] **ENTER INTO A DOMESTIC**
23 **PARTNERSHIP** in this State without a license issued by the clerk for the county in
24 which the [marriage] **DOMESTIC PARTNERSHIP** is performed.

25 (b) Any individual who violates this section is guilty of a misdemeanor and
26 on conviction is subject to a fine of \$100.

27 2-402.

28 (a) An applicant for a license may apply to the clerk only at the office of the
29 clerk during regular office hours.

30 (b) Except as provided in subsections (d) and (e) of this section, to apply for a
31 license, [1] **ONE** of the parties **INTENDING** to [be married] **ENTER INTO THE**
32 **DOMESTIC PARTNERSHIP** shall:

1 (1) appear before the clerk and give, under oath, the following
2 information, which shall be placed on an application form by the clerk:

3 (i) the full name of each party;

4 (ii) the place of residence of each party;

5 (iii) the age of each party;

6 (iv) whether the parties are related by blood **OR DOMESTIC**
7 **PARTNERSHIP** or marriage and, if so, in which degree of relationship;

8 (v) the marital **AND DOMESTIC PARTNERSHIP** status of each
9 party; and

10 (vi) whether either party was married **OR IN A DOMESTIC**
11 **PARTNERSHIP** previously, and the date and place of each death or judicial
12 determination that ended any former marriage **OR DOMESTIC PARTNERSHIP**;

13 (2) sign the application form; and

14 (3) provide the clerk with the Social Security number of each party
15 who has a Social Security number.

16 (c) The Social Security numbers of the parties:

17 (1) shall be included in the electronic file for the [marriage]
18 **DOMESTIC PARTNERSHIP** license application; and

19 (2) except as provided in § 10-617 of the State Government Article,
20 may not be disclosed as part of the public record of the [marriage] **DOMESTIC**
21 **PARTNERSHIP** license application.

22 (d) If the parties **INTENDING** to [be married] **ENTER INTO THE DOMESTIC**
23 **PARTNERSHIP** are not residents of the county where the [marriage] **DOMESTIC**
24 **PARTNERSHIP** ceremony is to be performed, the clerk shall accept, instead of the
25 application specified in subsection (b) of this section, an affidavit from [1] **ONE** of the
26 parties **INTENDING** to [be married] **ENTER INTO THE DOMESTIC PARTNERSHIP**.
27 The affidavit shall:

28 (1) contain the information required by subsection (b) of this section;
29 and

30 (2) be sworn to under oath before a clerk or other comparable official
31 in the county, state, province, or country where the party resides.

1 (e) In Cecil County both parties **INTENDING** to [be married] **ENTER INTO A**
2 **DOMESTIC PARTNERSHIP** shall appear together before the clerk to apply for a
3 license.

4 (f) Until a license becomes effective, a clerk may not disclose the fact that an
5 application for a license has been made except to the parent or guardian of a party
6 **INTENDING** to [be married] **ENTER INTO A DOMESTIC PARTNERSHIP**.

7 2-403.

8 (a) (1) A license shall read substantially as follows:

9 "State of Maryland and County of To any individual authorized by the
10 laws of this State to perform a [marriage] **DOMESTIC PARTNERSHIP** ceremony. You
11 are hereby authorized to join together in [matrimony] **DOMESTIC PARTNERSHIP**
12 according to the rules and ceremonies of your [church, society] **CHURCH** or religious
13 sect and the laws of this State, or according to the laws of this State, the following
14 individuals:

15
16 (state here name of **FIRST** intended
[husband] **DOMESTIC PARTNER**)

17
18 (state here name of **SECOND** intended
[wife] **DOMESTIC PARTNER**)

19 Given under my hand and seal of the Circuit Court for, this day of
20 (state here month and year)."

21 (2) A license shall contain:

22 (i) appropriate spaces in which the clerk shall enter:

23 1. the relationship of the parties **INTENDING** to [be
24 married] **ENTER INTO THE DOMESTIC PARTNERSHIP**, if any; and

25 2. as to each party, the name, age, state or foreign
26 country in which born, residence, and marital **OR DOMESTIC PARTNERSHIP** status
27 (single, widowed, [or] divorced, **OR DISSOLVED DOMESTIC PARTNERSHIP**); and

28 (ii) a statement that the license is valid only:

29 1. for 6 months from the effective date and time stated
30 on the license; and

2. in the county in which it is issued.

(b) [(1)] Attached to a license shall be [2] **TWO** certificate forms that:

[(i)] (1) read, "I hereby certify that on this day of (state here month and year), (state here time), at (state here location), in accordance with the license issued by the Clerk of the Circuit Court for (state here jurisdiction), I united in [marriage] **DOMESTIC PARTNERSHIP** the following individuals:

.....
(state here name of [husband] **FIRST DOMESTIC PARTNER**)

.....
(state here name of [wife] **SECOND DOMESTIC PARTNER**)";

[(ii)] (2) restate all information concerning the individuals [married] **IN THE DOMESTIC PARTNERSHIP** that is stated on the [marriage] **DOMESTIC PARTNERSHIP** license; and

[(iii)] (3) provide a space for the signature of the authorized official who performs the [marriage] **DOMESTIC PARTNERSHIP** ceremony.

[(2)] Attached to a license, in the case of a Society of Friends marriage ceremony, shall be 2 certificate forms that:

(i) read, "We hereby certify that on this day of (state here month and year), (state here time), at (state here location), we, (state here name of husband) and (state here name of wife) were united in marriage in accordance with the ceremony of the Society of Friends and in accordance with the license issued by the Clerk of the Circuit Court for (state here jurisdiction)";

(ii) restate all information concerning the individuals married that is stated on the marriage license; and

(iii) provide spaces for the signatures of the parties and the 2 overseers of the marriage ceremony.]

2-404.

(a) (1) The fee for a license is \$10.

(2) The clerk shall:

1 (i) retain \$5 of the fee; and

2 (ii) pay \$5 of the fee into the general fund of the county.

3 (3) (i) A party **INTENDING** to [be married] **ENTER INTO A**
4 **DOMESTIC PARTNERSHIP** may obtain a replacement for a valid [marriage]
5 **DOMESTIC PARTNERSHIP** license while the license is valid.

6 (ii) The fee for a replacement license is \$10, payable into the
7 General Fund of the State.

8 [2-404.1.

9 (a) (1) A county may discount a marriage license fee under § 2-404(a) of
10 this subtitle if the couple to be married has completed, within 1 year before the date of
11 the application for the license, a premarital preparation course that meets the
12 requirements specified in this section.

13 (2) The amount of any discount shall be determined by the county
14 governing body.

15 (b) A premarital preparation course shall:

16 (1) include instruction regarding:

17 (i) conflict management;

18 (ii) communication skills;

19 (iii) financial responsibilities; and

20 (iv) children and parenting responsibilities; and

21 (2) consist of at least 4 hours of instruction.

22 (c) A premarital preparation course may be conducted by:

23 (1) a clinical professional counselor or a clinical marriage and family
24 therapist licensed under Title 17, Subtitle 3A of the Health Occupations Article;

25 (2) a psychologist licensed under Title 18 of the Health Occupations
26 Article;

27 (3) a social worker licensed under Title 19 of the Health Occupations
28 Article;

1 (4) an official representative of a religious institution if the
2 representative has relevant training; or

3 (5) any other qualified provider approved by a county governing body.

4 (d) (1) A premarital preparation course provider shall register with the
5 clerk by filing a written affidavit containing:

6 (i) the provider's name, address, and telephone number;

7 (ii) a summary of the provider's qualifications and training; and

8 (iii) a statement that the provider shall comply with the course
9 requirements specified in this section.

10 (2) The clerk may establish a roster of area premarital preparation
11 course providers, including those who offer the course on a sliding fee scale or for free.

12 (e) (1) A premarital preparation course provider shall provide to each
13 couple who completes the course a certificate of completion that specifies:

14 (i) the names of the couple;

15 (ii) the name of the provider; and

16 (iii) the date of completion of the course.

17 (2) To receive a discounted marriage license fee under this section, an
18 applicant for a license shall verify completion of a premarital preparation course by
19 filing with the clerk a valid certificate of course completion issued in accordance with
20 paragraph (1) of this subsection.

21 (f) Any cost for a premarital preparation course shall be paid by the
22 applicant for a marriage license.

23 (g) The discount authorized by this section may not be applied to any fee
24 used to fund domestic violence programs.]

25 2-405.

26 (a) The clerk for the county in which a [marriage] **DOMESTIC**
27 **PARTNERSHIP** ceremony is to be performed may issue and deliver a license at the
28 time the application is made.

29 (b) A license may be issued only at the office of the clerk during regular office
30 hours.

1 (c) (1) If either party **INTENDING** to [be married] **ENTER INTO A**
2 **DOMESTIC PARTNERSHIP** is known to be of an age where the parental or guardian's
3 consent and oath, or the licensed physician's certificate, required by § 2-301 of this
4 title, is required, the clerk shall obtain the consent and oath or the certificate before
5 issuing the license.

6 (2) (i) The clerk's record required under this title shall include:

7 1. the consent and oath required by § 2-301 of this title,
8 if written; or

9 2. the fact that consent was given and an oath was
10 made, if given and made in person.

11 (ii) The licensed physician's certificate required by § 2-301 of
12 this title may not be made a part of the clerk's record.

13 (3) After an individual has been issued a license in accordance with
14 the provisions of this subtitle, the clerk who issued the license shall seal the licensed
15 physician's certificate. Except on order of the court, the licensed physician's certificate
16 shall remain sealed.

17 (d) (1) Except as provided in paragraph (2) of this subsection, a license is
18 not effective until 6 a.m. on the second calendar day after the license is issued.

19 (2) For good cause shown, a judge of the circuit court for the county in
20 which the application is made may sign an authorization for a license to become
21 effective at a time before the waiting period expires, as stated in the authorization, if
22 [1] **ONE** of the parties **INTENDING** to [be married] **ENTER INTO A DOMESTIC**
23 **PARTNERSHIP** is:

24 (i) a resident of this State; or

25 (ii) a member of the United States armed forces.

26 (e) If, during the questioning of an applicant for a license, the clerk finds
27 that there is a legal reason why the applicants should not [be married] **ENTER INTO A**
28 **DOMESTIC PARTNERSHIP**, the clerk shall withhold the license unless ordered by the
29 court to issue the license.

30 (f) A license may be delivered personally or by mail to:

31 (1) either of the parties **INTENDING** to [be married] **ENTER INTO THE**
32 **DOMESTIC PARTNERSHIP**; or

33 (2) any person authorized in writing by either of the parties to accept
34 delivery.

1 (g) (1) The Department of Health and Mental Hygiene shall provide to
2 each clerk:

3 (i) birth control information; and

4 (ii) a list of the family planning clinics located in the county
5 where the license is issued.

6 (2) When the clerk issues a license, the clerk shall make the
7 information and list available to each applicant for a license.

8 (h) (1) A clerk may not predate an application for a license.

9 (2) A clerk who violates any provision of this subsection is guilty of a
10 misdemeanor and on conviction is subject:

11 (i) for a first offense, to a fine not exceeding \$100; and

12 (ii) for each subsequent offense, to a fine not exceeding \$500 or
13 imprisonment not exceeding 90 days or both.

14 2-406.

15 (a) (1) In this subsection, "judge" means:

16 (i) a judge of the District Court, a circuit court, the Court of
17 Special Appeals, or the Court of Appeals;

18 (ii) a judge approved under Article IV, § 3A of the Maryland
19 Constitution and § 1-302 of the Courts Article for recall and assignment to the District
20 Court, a circuit court, the Court of Special Appeals, or the Court of Appeals;

21 (iii) a judge of a United States District Court or a United States
22 Court of Appeals; or

23 (iv) a judge of a state court if the judge is active or retired but
24 eligible for recall.

25 (2) A [marriage] **DOMESTIC PARTNERSHIP** ceremony may be
26 performed in this State by:

27 (i) any official of a religious order or body authorized by the
28 rules and customs of that order or body to perform a marriage ceremony;

29 (ii) any clerk;

1 (iii) any deputy clerk designated by the county administrative
2 judge of the circuit court for the county; or

3 (iv) a judge.

4 (b) Within 6 months after a license becomes effective, any authorized official
5 may perform the [marriage] **DOMESTIC PARTNERSHIP** ceremony of the individuals
6 named in the license.

7 (c) (1) An individual may not perform a [marriage] **DOMESTIC**
8 **PARTNERSHIP** ceremony unless the individual is authorized to perform a [marriage]
9 **DOMESTIC PARTNERSHIP** ceremony under subsection (a) of this section.

10 (2) An individual who violates this subsection is guilty of a
11 misdemeanor and on conviction is subject to a fine of \$500.

12 (d) (1) An individual may not knowingly perform a [marriage] **DOMESTIC**
13 **PARTNERSHIP** ceremony between individuals who are prohibited from [marrying]
14 **ENTERING INTO A DOMESTIC PARTNERSHIP** under § 2–202 of this title.

15 (2) An individual who violates the provisions of this subsection is
16 guilty of a misdemeanor and on conviction is subject to a fine of \$500.

17 (e) (1) An individual may not perform a [marriage] **DOMESTIC**
18 **PARTNERSHIP** ceremony without a license that is effective under this subtitle.

19 (2) An individual who violates the provisions of this subsection is
20 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

21 (f) The county administrative judge of the circuit court for the county shall
22 designate:

23 (1) when and where the clerk or deputy clerk may perform a
24 [marriage] **DOMESTIC PARTNERSHIP** ceremony; and

25 (2) the form of the [marriage] **DOMESTIC PARTNERSHIP** ceremony to
26 be recited by the clerk or deputy clerk and the parties [being married] **ENTERING**
27 **INTO THE DOMESTIC PARTNERSHIP**.

28 (g) This section does not affect the right of any religious denomination to
29 perform a marriage **OR DOMESTIC PARTNERSHIP** ceremony in accordance with the
30 rules and customs of the denomination.

31 2–407.

1 (a) An individual may not knowingly make any material false statement to
2 obtain or to help another individual to obtain a license or [marriage] **DOMESTIC**
3 **PARTNERSHIP** ceremony in violation of this title or of any order of court under §
4 2-405 of this subtitle.

5 (b) An individual who violates the provisions of this section is guilty of
6 perjury.

7 2-408.

8 (a) An authorized official may not give or offer to give any reward to any
9 person as an inducement to direct to the authorized official any individual who is
10 contemplating [marriage] **ENTERING INTO A DOMESTIC PARTNERSHIP**.

11 (b) An authorized official who violates the provisions of subsection (a) of this
12 section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
13 \$50 for each offense.

14 2-409.

15 (a) Each [marriage] **DOMESTIC PARTNERSHIP** certificate shall contain[:

16 (1) the name, signature, and title of the authorized official who
17 performs the [marriage] **DOMESTIC PARTNERSHIP** ceremony[; or

18 (2) if the individuals are married in a Society of Friends marriage
19 ceremony, the signatures of the individuals and the attestation of the certificate by 2
20 overseers of the marriage ceremony].

21 (b) [(1)] The authorized official who performs the [marriage] **DOMESTIC**
22 **PARTNERSHIP** ceremony shall:

23 [(i)] (1) hand [1 marriage] **ONE DOMESTIC PARTNERSHIP**
24 certificate to the individuals; and

25 [(ii)] (2) return, within 5 days from the date of the [marriage]
26 **DOMESTIC PARTNERSHIP** ceremony, the other [marriage] **DOMESTIC**
27 **PARTNERSHIP** certificate to the clerk who issued the license to which the certificates
28 were attached, but if the authorized official who performs the [marriage] **DOMESTIC**
29 **PARTNERSHIP** ceremony dies or resigns, some other individual shall return the
30 certificate.

31 [(2)] If the individuals are married in a Society of Friends marriage
32 ceremony, they:

33 (i) may keep 1 marriage certificate; and

1 (ii) within 5 days from the date of the marriage ceremony, shall
2 return the other marriage certificate to the clerk who issued the license to which the
3 certificates were attached.]

4 (c) If the [marriage] **DOMESTIC PARTNERSHIP** certificate is not returned
5 within 6 months after the date on which the license becomes effective, the clerk who
6 issued the license shall attempt to determine whether the [marriage] **DOMESTIC**
7 **PARTNERSHIP** ceremony was performed and, if so, the name of the authorized official
8 who performed the [marriage] **DOMESTIC PARTNERSHIP** ceremony.

9 (d) (1) An individual who performs a [marriage] **DOMESTIC**
10 **PARTNERSHIP** ceremony [or who is married in a Society of Friends marriage
11 ceremony] may not violate the provisions of subsection [(b)(1)(ii) or (2)(ii)] **(B)(2)** of
12 this section.

13 (2) An individual who violates any provision of this subsection is
14 guilty of a misdemeanor and on conviction is subject to a fine in an amount that the
15 court considers appropriate.

16 2-410.

17 (a) (1) Except as provided in this subsection, a judge, clerk, or deputy
18 clerk may not receive any fee, remuneration, or gift for performing a [marriage]
19 **DOMESTIC PARTNERSHIP** ceremony.

20 (2) (i) 1. A Maryland judge's fee for performing a [marriage]
21 **DOMESTIC PARTNERSHIP** ceremony is a nonrefundable fee, payable to the clerk
22 before a [marriage] **DOMESTIC PARTNERSHIP** license is issued, in the amount of \$30
23 in Cecil County and \$25 in any other county.

24 2. The clerk's or deputy clerk's fee for performing a
25 [marriage] **DOMESTIC PARTNERSHIP** ceremony is \$30 in Cecil County and \$25 in
26 any other county.

27 (ii) Each month the clerk shall pay \$10 of each fee collected
28 under this section into the general fund of the county.

29 (iii) Except as otherwise provided in this subsection, the clerk
30 shall retain the remainder of each fee and deposit and disburse it in the same manner
31 as other fees collected by the clerk.

32 2-501.

33 Each clerk shall keep in the clerk's office a [marriage] **DOMESTIC**
34 **PARTNERSHIP** license book, which shall contain:

1 (1) a complete record of each license issued;

2 (2) a complete record of all matters the clerk is required to ascertain
3 that relate to the rights of an individual to obtain a license;

4 (3) in regular order, the items testified to by the applicants for a
5 license as required under this title;

6 (4) properly indexed, the name of each individual who intends to [be
7 married] **ENTER INTO A DOMESTIC PARTNERSHIP**; and

8 (5) the date each certificate was filed and the name of the authorized
9 official who performed the ceremony.

10 2-502.

11 (a) In this section, “foreign marriage” means a marriage ceremony:

12 (1) performed outside this State; and

13 (2) in which [1] **ONE** or both of the parties were or are citizens of this
14 State.

15 (b) Each clerk shall keep a foreign marriage record book in the clerk’s office.
16 The clerk shall record a foreign marriage when presented with either:

17 (1) a certificate of marriage signed by the individual who performed
18 the marriage ceremony; or

19 (2) an official certified copy of a marriage record.

20 (c) On request, the clerk shall provide, under the seal of the court,
21 certification of a foreign marriage in the same manner as the clerk issues certification
22 of a marriage ceremony performed in this State.

23 **(D) A FOREIGN MARRIAGE SHALL BE DEEMED A DOMESTIC**
24 **PARTNERSHIP IN THIS STATE AND SUBJECT TO THE APPLICABLE LAWS AND**
25 **REGULATIONS.**

26 2-503.

27 (a) At the intervals that the Secretary of Health and Mental Hygiene sets,
28 each clerk shall send to the Secretary:

29 (1) a copy of the record of each **FOREIGN** marriage **AND DOMESTIC**
30 **PARTNERSHIP** that the clerk licenses and records;

1 (2) a report of each divorce **OR DISSOLUTION OF A DOMESTIC**
2 **PARTNERSHIP** that the court grants;

3 (3) a report of each annulment of a marriage that the court:

4 (i) grants; or

5 (ii) effects by entering a conviction of bigamy or of marrying
6 within any prohibited degree; and

7 (4) a report of any change in a **DOMESTIC PARTNERSHIP**, marriage,
8 divorce, or annulment record, in which the clerk shall certify that the change is correct
9 and conforms to the corresponding record of the clerk.

10 (b) The report of a divorce or annulment or of a change in a **DOMESTIC**
11 **PARTNERSHIP**, marriage, divorce, or annulment record shall be made on the form
12 that the Secretary of Health and Mental Hygiene provides.

13 (c) (1) The Secretary of Health and Mental Hygiene may make
14 photostatic, photographic, or microphotographic copies of the original [marriage]
15 **DOMESTIC PARTNERSHIP** records of a clerk.

16 (2) The Secretary of Health and Mental Hygiene may not remove any
17 original [marriage] **DOMESTIC PARTNERSHIP** record from the custody of the clerk.

18 (3) The Secretary of Health and Mental Hygiene shall:

19 (i) make the copies in a manner that does not interfere with the
20 orderly transaction of business by the clerk; and

21 (ii) bear the cost of making the copies.

22 (d) The clerk may not receive any extra compensation for sending a report or
23 record to the Secretary or for making records available to the Secretary.

24 (e) A clerk who violates any provision of this section is guilty of a
25 misdemeanor and on conviction is subject to a fine of \$10 for each offense.

26 **SUBTITLE 6. EFFECT OF DOMESTIC PARTNERSHIPS.**

27 **2-601.**

28 (A) **PARTIES TO A DOMESTIC PARTNERSHIP SHALL HAVE ALL OF THE**
29 **SAME BENEFITS, PROTECTIONS, AND RESPONSIBILITIES UNDER LAW, WHETHER**
30 **DERIVED FROM THE MARYLAND CODE, ADMINISTRATIVE REGULATIONS,**

1 COURT RULES, POLICY, COMMON LAW, OR ANY OTHER SOURCE OF CIVIL LAW, AS
2 ARE GRANTED TO SPOUSES IN MARRIAGE.

3 (B) (1) WHEREVER IN THE MARYLAND CODE THE TERM "SPOUSE",
4 "FAMILY", "IMMEDIATE FAMILY", "DEPENDENT", "NEXT OF KIN", OR ANY OTHER
5 TERM THAT DENOTES THE SPOUSAL RELATIONSHIP IS USED OR DEFINED, A
6 DOMESTIC PARTNER SHALL BE INCLUDED IN THAT USE OR DEFINITION.

7 (2) WHEREVER IN THE MARYLAND CODE THE TERM "MARRIAGE"
8 IS USED OR DEFINED, A DOMESTIC PARTNERSHIP SHALL BE INCLUDED IN THAT
9 USE OR DEFINITION.

10 (C) THE DISSOLUTION OF A DOMESTIC PARTNERSHIP SHALL FOLLOW
11 THE SAME PROCEDURES AND BE SUBJECT TO THE SAME SUBSTANTIVE RIGHTS
12 AND OBLIGATIONS AS SET FORTH IN TITLE 7 OF THIS ARTICLE RELATING TO
13 DIVORCE, INCLUDING ANY RESIDENCY REQUIREMENTS.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
15 construed to apply only prospectively and may not be applied or interpreted to have
16 any effect on or application to any marriage entered into before the effective date of
17 this Act.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2008.