

MAINE STATE LEGISLATURE

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ROFS

L.D. 548

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JUDICIARY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 126TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 367, L.D. 548, Bill, "An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 19-A MRSA §951-A, sub-§4, as enacted by PL 1999, c. 634, §3, is amended to read:

4. Modification. An award of spousal support issued before October 1, 2013 is subject to modification when it appears that justice requires unless and to the extent the order awarding or modifying spousal support expressly states that the award, in whole or in part, is not subject to future modification. An award of spousal support issued on or after October 1, 2013 is subject to modification when it appears that justice requires.

Sec. 2. 19-A MRSA §951-A, sub-§12 is enacted to read:

12. Cessation upon cohabitation. When it appears that justice requires, an order awarding spousal support is subject to modification to terminate spousal support when it can be shown that the payee and another person have entered into a mutually supportive relationship that is the functional equivalent of marriage that has existed for at least 12 months of a period of 18 consecutive months.

SUMMARY

This amendment replaces the bill. It provides that all spousal support orders issued on or after October 1, 2013 can be modified as the court determines justice requires. Current law prohibits modification of an order that expressly states it cannot be modified.

Current law allows modification of an order upon cohabitation by the recipient. This amendment makes clear that a spousal support order is subject to termination as justice requires when it can be shown that the recipient of the spousal support and another person have entered into a mutually supportive relationship that is the functional equivalent of marriage that has existed for at least 12 months of a period of 18 consecutive months.