

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 3
Titles 14 to 20



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
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CHAPTER 11

JUDICIAL SEPARATION

Sec.

- 581. Wife deserted or living apart from husband.
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§ 581. Wife deserted or living apart from husband

If a husband, without just cause, deserts his wife or if his wife, for just cause, is actually living apart from him, and if such desertion or living apart has continued for a period of at least one year next prior to the filing of the petition hereinafter referred to, the probate court may, upon her petition, or if she is mentally ill, upon the petition of her guardian or next friend, enter a decree that such wife is so deserted or is so living apart and may prohibit the husband from imposing any restraint on her personal liberty during such time as such court shall by order direct. Upon the petition of either the husband or wife, or of the guardian or next friend of either who may be mentally ill, may make further orders relative to the care, custody and maintenance of the minor children of the parties, may determine with which of their parents such children or any of them shall remain, may order the husband to pay to such court for the wife sufficient money for the prosecution of such petition, and may from time to time, upon a similar petition, revise or alter any such order and make a new order in lieu thereof, as the circumstances of the parties or such minor children or any of them may require, and may enforce obedience by appropriate process.

R.S.1954, c. 166, § 44; 1959, c. 242, § 8.

§ 582. Husband deserted or living apart from wife

If a wife, without just cause, deserts her husband, or if he is living apart from her for just cause, and if such desertion or living apart has continued for the period set out in section 581, the probate court may upon petition of the husband, or if he is mental-

ly ill, upon the petition of his guardian or next friend, enter a decree that such husband is so deserted or is so living apart, and such husband may thereafter convey his real property in the same manner as if he were sole, and no portion of his estate shall descend to his said wife at his decease, neither shall she be entitled to receive any distributive share thereof or to waive any will made by him in her favor.

R.S.1954, c. 166, § 45; 1959, c. 242, § 8.

§ 583. Deserted wife may convey her property as if sole

If the probate court has entered a decree that a wife has been deserted by her husband without just cause, or has lived apart from him for just cause, for the period set out in section 581, she may convey her real property in the same manner and with the same effect as if she were sole, and no portion of her estate shall descend to her said husband at her decease, neither shall he be entitled to receive any distributive share thereof or to waive the provisions of any will made by her in his favor.

R.S.1954, c. 166, § 46.

§ 584. Petition; notice

The petition under sections 581 to 583 may be brought and determined in the county in which either of the parties lives, except that if the petitioner has left the county in which the parties lived together and the respondent still lives therein, the petition shall be brought in that county, and such notice shall be given thereon as the judge of said court shall direct.

R.S.1954, c. 166, § 47.

§ 585. Rights of issue; marriage settlement or contract not affected

Sections 581 to 584 shall not bar the issue of the marriage from inheriting or affect their rights, neither shall it invalidate any marriage settlement or contract between the parties.

R.S.1954, c. 166, § 48.

§ 586. Appeals

Any party aggrieved by any order or decree provided for in sections 581 to 585 may take an appeal in the same manner as provided for probate appeals.

R.S.1954, c. 166, § 49.

§ 587. Certified copy of decree filed in office of registry of deeds

Whenever any decree provided for in sections 581 and 582 shall become effective either by reason of expiration of the time within which an appeal might have been taken or of final judgment on appeal, the register of probate shall forthwith file in the office of the register of deeds in the county or counties where real estate which may be affected by such decree is situated, under seal of the probate court, a certified copy thereof which the register of deeds shall record without fee.

R.S.1954, c. 166, § 50.

§ 588. Jurisdiction

The District Court shall possess original jurisdiction, concurrent with the probate court, of actions for judicial separation under this chapter.

1963, c. 402, § 270.