

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

January 25, 1944

~~Yes~~

James H. Register, Field Director
American Red Cross
A. P. O. 629
New York, N. Y.

Dear Sir:-

I have your letter of January 7th.

1. It is questionable whether the State of Maine would recognize a common-law marriage, although our courts have recognized the issue of such marriages and declared that such issue are legitimate.

2. Proxy marriages are not recognized under the laws of the State of Maine.

3. A resident of the State of Maine does not lose his residence through serving in the military service and does not need to return to Maine to sign a divorce libel. . . .

4. Grounds for divorce in this State are under R.S. 1930, Chapter 73, Section 2, which reads as follows:

"Causes for which divorce may be granted. A divorce from the bonds of matrimony may be decreed in the county where either party resides at the commencement of proceedings, for causes of adultery, impotence, extreme cruelty, utter desertion continued for three consecutive years next prior to the filing of the libel, gross and confirmed habits of intoxication from the use of intoxicating liquors, opium or other drugs, cruel and abusive treatment, or on the libel of the wife, where the husband being of sufficient ability or being able to labor and provide for her, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her; provided, that the parties were married in this state or cohabited here after marriage, or if the libelant resided here when the cause of divorce accrued, or had resided here in good faith for one year prior to the commencement of proceedings, or if the libelee is a resident of this state. But when both parties have been guilty of adultery, or there is collusion between them to procure a divorce, it shall not be granted. Either party may be a witness. The superior court has jurisdiction of libels for divorce in all counties."

omit

Very truly yours,

Frank I. Cowan
Attorney-General

~~File~~