

# MAINE STATE LEGISLATURE

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Partnerships Husband & wife  
STATE OF MAINE

31 NOV 286  
Inter-Departmental Memorandum Date November 30, 1977

To Paul A. Sawyer, Director

Dept. Real Estate Commission

From Kate Clark Flora, Assistant

Dept. Attorney General

Subject Partnerships between Husband and Wife

You have requested an opinion as to whether it is currently legal for a husband and wife to operate as a partnership. This opinion supersedes the opinion of this office dated March 27, 1951, which accompanied your opinion request. Current Maine law does permit partnerships between a husband and wife.

Chapter 322 of the Laws of 1976, entitled An Act Relating to Partnership Between Husbands and Wives, amended the definition of partnership under the Uniform Partnership Act. Title 31 M.R.S.A. § 286 now reads:

"A partnership shall mean an association of 2 or more persons, including an association of a husband and wife, to carry on as co-owners of a business for profit." (emphasis supplied)

There is therefore now explicit statutory authorization for the formation of partnerships between husbands and wives.

Chapter 322 also deals with the problem of liability between husband and wife, by an amendment of Title 19 M.R.S.A. § 164, the statute providing that a husband is not liable for his wife's debts. The amendment states:

"This section shall not be construed to mean that a wife is not liable for the debts, contracted in the name of the partnership, of a partnership between husband and herself or between husband, herself and 3rd persons; nor shall it be construed to prohibit or limit the formation of a partnership between a husband and a wife or between a husband, wife and 3rd person."

I hope this answers your question. If you desire further information, please don't hesitate to call on me.

Kate Clark Flora  
KATE CLARK FLORA  
Assistant Attorney General

KCF:mfe