

MAINE STATE LEGISLATURE

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(New Title)
New Draft: H. P. 21, L. D. 29

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1032

H. P. 911

House of Representatives, March 14, 1975

Reported by Majority from the Committee on Judiciary and printed under
Joint Rules No. 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Irreconcilable Marital Differences as a Ground for
Divorce and Mental Illness as an Impediment to Divorce.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 19 MRSA § 691, 2nd sentence, as enacted by PL 1973, c. 532, is amended to read:

When the alleged cause is irreconcilable marital differences, a divorce shall not be granted unless both parties have received counseling by a professional counselor who is qualified in counseling either through educational certification or experience and as approved by the court, and a copy of the counselor's report is made available to the parties and to the court, **provided that the requirement of such counseling may be waived by the court if it finds that the parties have lived separate and apart from each other continuously for a period of at least 2 years immediately preceding the commencement of the subject divorce proceedings.**

Sec. 2. 19 MRSA § 691, as last amended by PL 1973, c. 532, is further amended by adding, after the first paragraph, the following new paragraph:

The mental illness or incompetence of either party shall not constitute an impediment to the granting of a divorce on the ground of irreconcilable marital differences.

STATEMENT OF FACT

The purposes of this bill are to permit the waiving by the court of the counseling requirement in divorce actions based upon irreconcilable marital

differences when it appears that the parties have lived apart from each other for at least 2 years immediately preceding the divorce action and to provide that the mental illness or incompetence of either party for a divorce action shall not be a bar to the granting of a divorce on the ground of irreconcilable marital differences.