

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1279

H. P. 1012

House of Representatives, March 20, 1975

Approved for introduction by a majority of the Committee on Reference of Bills pursuant to Joint Rule 10. On Motion of Mr. Gauthier of Sanford, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Ingegneri of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Property Rights upon Dissolution of Marriage.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, presently, the court has no statutory authority or guideline by which it can set aside and divide property acquired during coverture prior to January 1, 1972 due to repeal of a statute; and

Whereas, there is an urgent need for legislation to define the wife's right in marital property acquired before January 1, 1972 and during coverture in order to avoid needless legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

19 MRSA § 722-C is enacted to read:

§ 722-C. Property acquired during coverture

As to any property acquired during coverture and prior to January 1, 1972 when a divorce is decreed for impotence, the wife's real estate shall be restored to her, and the court may enter judgment for her against her husband

for so much of her personal property as came to him by the marriage, or its value in money, as it thinks reasonable; and may compel him to disclose, on oath, what personal estate he so received, how it has been disposed of and what then remains; and as to any property within this designation, when a divorce is decreed to the wife for the fault of the husband for any other cause, she shall be entitled to $\frac{1}{3}$ in common and undivided of all his real estate, except wild lands, which shall descend to her as if he were dead; and the same right to a restoration of her real and personal estate, as in case of divorce for impotence.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The intent of this Act is reflected in the emergency preamble.