

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)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 719

H.P. 535 House of Representatives, March 11, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative WARREN of Scarborough.
Cosponsored by Senators BLACK of Cumberland, BRANNIGAN of
Cumberland, and Representative PARADIS of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Remove Superior Court Jurisdiction
2 in Divorce Actions.
3

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

6 Sec. 1. 4 MRSA §105, as amended by PL 1979, c.
7 540, §3, is further amended to read:

8 §105. Jurisdiction; powers

9 The Superior Court, exclusive of the Supreme Ju-
10 dicial Court, shall have and exercise jurisdiction
11 and have and exercise all of the powers, duties and
12 authority necessary for exercising the jurisdiction
13 in any and all matters either original or appellate,
14 which were, prior to January 1, 1930, within the ju-
15 risdiction of the Supreme Judicial Court or any of

1 the Superior Courts, whether cognizable at law or in
2 equity, except as concurrent or exclusive jurisdic-
3 tion is vested in the District Court, and except as
4 provided in Title 14, section 5301, provided that it
5 shall have and exercise none of the jurisdiction,
6 powers, duties and authority of the Supreme Judicial
7 Court sitting as a law court. A single Justice of
8 the Supreme Judicial Court shall have and exercise
9 jurisdiction, and have and exercise all of the pow-
10 ers, duties and authority necessary for exercising
11 the same jurisdiction as the Superior Court, to hear
12 and determine, with his consent, any issue in a civil
13 action in the Superior Court as to which the parties
14 have no right to trial by jury or in which the right
15 to trial by jury has been waived, ~~except actions for~~
16 ~~divorce, annulment or separation.~~

17 Sec. 2. 4 MRSA §152, sub-§4, as repealed and re-
18 placed by PL 1983, c. 796, §1, is amended to read:

19 4. Exclusive jurisdiction. Original jurisdic-
20 tion, not concurrent with that of the Superior Court,
21 of mental health commitment hearings under Title 34,
22 chapter 229; mental retardation certification hear-
23 ings under Title 34, chapter 229; actions for di-
24 vorce, annulment of marriage or judicial separation;
25 and small claims actions under Title 14, chapter 738;
26 and

27 Sec. 3. 4 MRSA §152, sub-§5, ¶A, as repealed and
28 replaced by PL 1983, c. 796, §1, is amended to read:

29 A. Actions for divorce, annulment of marriage or
30 judicial separation and of proceedings
31 Proceedings under Title 19, except divorce, an-
32 nulment of marriage or judicial separation;

33 Sec. 4. 4 MRSA §152, 2nd ¶, as repealed and re-
34 placed by PL 1983, c. 796, §1, is repealed.

35 Sec. 5. 4 MRSA §155, sub-§3 is amended to read:

36 3. Divorce, separation, annulment, support. An
37 action or proceeding for divorce, separation, annul-
38 ment of marriage or for support may be brought in the
39 division where either the plaintiff or the defendant
40 resides. Such action or proceeding may be removed to

1 the Superior Court by the defendant. The rules of mu-
2 nicipal courts now in effect for removal of actions
3 to the Superior Court shall apply.

4 Sec. 6. 19 MRSA §588, as amended by PL 1975, c.
5 540, §37, is further amended to read:

6 §588. Jurisdiction

7 The District Court shall possess sole original
8 jurisdiction, ~~concurrent~~ with the Superior Court, of
9 actions for judicial separation under this chapter.

10 Sec. 7. 19 MRSA §635 is amended to read:

11 §635. Jurisdiction

12 The District Court shall possess sole original
13 jurisdiction, ~~concurrent~~ with the Superior Court, of
14 actions for annulment of marriage under this subchap-
15 ter.

16 Sec. 8. 19 MRSA §664 is amended to read:

17 §664. Jurisdiction

18 The District Court shall possess sole original
19 jurisdiction, ~~concurrent~~ with the Superior Court, of
20 actions for divorce under this subchapter.

21 Sec. 9. 19 MRSA §691, sub-§2, as enacted by PL
22 1977, c. 226, §1, is amended to read:

23 2. Jurisdiction. The Superior Court or the Dis-
24 trict Court shall have jurisdiction of an action for
25 divorce if:

26 A. The plaintiff has resided in good faith in
27 this State for 6 months prior to the commencement
28 of the action;

29 B. The plaintiff is a resident of this State and
30 the parties were married in this State;

31 C. The plaintiff is a resident of this State and
32 the parties resided in this State when the cause
33 of divorce accrued; or.

1 D. The defendant is a resident of this State.

2 STATEMENT OF FACT

3 The purpose of this bill is to grant the District
4 Courts exclusive jurisdiction in actions for divorce,
5 annulment of marriage and judicial separation.

6 1054022187