

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 656

H.P. 476

House of Representatives, March 7, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

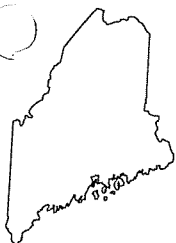
Presented by Representative DORE of Auburn.

Cosponsored by Representative CLARK of Brunswick, Senator BRANNIGAN of Cumberland and Senator HOLLOWAY of Lincoln.

STATE OF MAINE

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

An Act to Promote Equity in the Court Adjudication of Alimony Awards.



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

3 19 MRSA §721, as amended by PL 1979, c. 424, §§1 and 2, is
5 repealed and the following enacted in its place:

7 §721. Alimony

9 1. Factors. The court when determining an award of alimony
shall consider the following factors:

11 A. The length of the marriage;

13 B. The ability of each party to pay;

15 C. The ages of the parties;

17 D. The employment history and employment potential of each
party;

19 E. The income history and income potential of each party;

21 F. The education and training of each party;

23 G. The provisions for retirement and health insurance
25 benefits;

27 H. The tax consequences of the division of marital
29 property, including the tax consequences of the sale of the
marital home, if applicable;

31 I. The health and disabilities of each party;

33 J. The tax consequences of an alimony award;

35 K. The contributions of either party as homemaker;

37 L. The contribution of either party to the education of the
39 other party;

41 M. Any significant fluctuation in the amount or kind of
marital property within one year prior to the commencement
43 of proceedings involving this article; and

45 N. Any other factors the court considers appropriate.

47 2. Court Costs. The court may order the spouse who is
obligated to pay alimony to pay the costs involved in the defense
49 or prosecution of hearings concerning alimony.

51 3. Real Estate. The court may order any part of the
obligated party's real estate and, if necessary, the rents and

1 profits from that real estate, to be assigned and set out to the
2 other party for life.

3
4 4. Alternative to alimony. Instead of alimony, the court
5 may order either party to pay a specific sum to the other party,
6 as the court may direct.

7
8 5. Modification. The court, at any time, may alter, amend
9 or suspend a decree for alimony or specific sum when it appears
10 that justice requires it, except that a court may not increase
11 the alimony if the original decree prohibits an increase.

12
13 6. Enforcement. The court may use all necessary legal
14 provisions to carry its decrees into effect.

15
16 7. Limitations. This section does not limit the court, by
17 full or partial agreement of the parties or otherwise, from
18 awarding alimony for a limited period, from awarding alimony
19 which may not be increased regardless of subsequent events or
20 conditions, or otherwise limiting or conditioning the alimony
21 award in any manner or terms that the court considers just.

23

25 **STATEMENT OF FACT**

27 This bill enumerates the factors a court must consider when
determining an alimony award.