

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 399

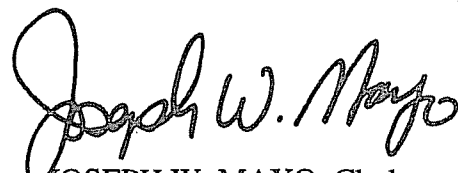
H.P. 311

House of Representatives, February 9, 1993

**An Act Concerning the Determination and Modification of Alimony  
Payments.**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative DORE of Auburn.  
Cosponsored by Representatives: CATHCART of Orono, FARNSWORTH of Hallowell,  
GWADOSKY of Fairfield, HOGLUND of Portland, Senator: FOSTER of Hancock.

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

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Sec. 1. 19 MRSA §721, sub-§1, ¶¶G-1 and G-2, are enacted to  
read:

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G-1. The award of nonmarital property:

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G-2. The division of marital property:

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Sec. 2. 19 MRSA §721, sub-§§5 and 7, as enacted by PL 1989, c.  
250, §§1 and 2, are amended to read:

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5. **Modification.** The court, at any time, may alter or  
amend a decree for alimony or specific sum when it appears that  
justice requires it, except that a court shall may not increase  
or decrease the alimony if the original decree prohibits an  
increase such a modification. In making any alteration or  
amendment, the court shall consider the factors listed in  
subsection 1.

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7. **Limitations.** This section does not limit the court, by  
full or partial agreement of the parties or otherwise, from  
awarding alimony for a limited period, from awarding alimony  
which may not be increased or decreased regardless of subsequent  
events or conditions or otherwise limiting or conditioning the  
alimony award in any manner or term that the court considers just.

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## STATEMENT OF FACT

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This bill makes 2 changes to the statute governing the award  
of alimony.

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1. This bill adds 2 factors to the list of factors the  
court must consider when awarding alimony. Those factors are the  
award of nonmarital property and the division of marital property.

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2. This bill addresses the issue of alimony modification.  
Under current law, courts may not increase alimony if the parties  
had agreed in the original award that alimony could not be  
increased. This bill requires courts to comply with the parties'  
agreement in the original award that alimony cannot be decreased  
either.

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