

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

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H.P. 715

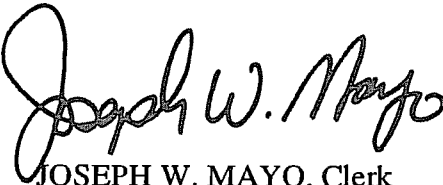
House of Representatives, March 22, 1993

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**An Act to Allow for the Joint Filing for Divorce.**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative FARNSWORTH of Hallowell.  
Cosponsored by Representative: CLARK of Millinocket.

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

2                   Sec. 1. 19 MRSA §691-A is enacted to read:

4                   §691-A. Complaint; statement and dissolution agreement; hearing;  
6                   judgment

8                   1. Action. An action for divorce on grounds of  
10                   irreconcilable marital differences may be commenced with the  
12                   filing of:

14                   A. A petition signed by both parties or their attorneys;

16                   B. A sworn affidavit that is either jointly signed or  
18                   separately executed by the petitioners that irreconcilable  
20                   differences exist in the marriage; and

22                   C. A notarized separation agreement executed by the parties.

24                   A summons or answer is not required if this procedure is used.

26                   2. Filing of agreement. If the notarized separation  
28                   agreement was not filed with the complaint, it must be filed with  
30                   the court within 90 days after the filing of the complaint.

32                   3. Hearing on agreement. An action commenced under this  
34                   section must be placed by the clerk of the court in which the  
36                   action is commenced on a hearing list that is separate from all  
38                   other divorce actions brought under this chapter and must be  
40                   given a speedy hearing on the dissolution agreement. After a  
42                   hearing on the separation agreement, the court shall make, within  
44                   30 days, a finding as to whether irreconcilable differences exist  
46                   and whether the agreement has made proper provisions for custody,  
48                   support and maintenance, alimony and disposition of marital  
50                   property. In making its findings, the court shall apply the  
provisions of sections 722 and 722-A, except that the court may  
not make inquiries into or consider any evidence of the  
individual marital fault of the parties.

4. Judgment. If the court finds in the affirmative, the  
court shall approve the agreement and enter a judgment of divorce  
nisi. The agreement must be incorporated and merged into the  
judgment unless, by agreement of the parties, it is incorporated  
but not merged and the separation agreement remains as an  
independent contract.

Upon approval of the agreement by the court but before the entry  
of judgment nisi, the agreement may be modified at any time by  
agreement of the parties and with approval of the court or by the  
court on the petition of one of the parties after showing a

2 substantial change of circumstances. The modified agreement  
3 continues as the order of the court.

4 If the agreement is not approved by the court, the agreement  
5 becomes void and the action for divorce is dismissed without  
6 prejudice.

8 A judgment of divorce nisi must be entered by the court 30 days  
9 from the date the court approved the dissolution agreement.

10 The petition may be withdrawn by mutual agreement of the parties  
11 before the entry of judgment.

14 5. Temporary order. This section does not prevent the  
15 court at any time before the approval of the dissolution  
16 agreement, from making temporary orders for custody, support and  
17 maintenance or any other temporary order the court considers  
18 appropriate, including, but not limited to, referral of the  
19 parties and their children for marriage or family counseling.

22 **STATEMENT OF FACT**

24 This bill allows a couple to file a joint divorce  
25 complaint. It eliminates the need to file a summons and an  
26 answer to the complaint. It also speeds up the hearing process  
27 for a divorce.  
28