

MAINE STATE LEGISLATURE

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JUDICIARY

Minority

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 508, L.D. 713, Bill, "An Act To Amend Maine's Divorce Laws"

Amend the bill in section 3 by striking out all of subsection 10 (page 1, lines 19 to 26 in L.D.) and inserting in its place the following:

'10. Fraud or financial misconduct. If a divorce is granted under section 902, subsection 1, paragraph J, the court must order the disposition of marital and nonmarital property to make the complaining spouse whole from the marital and nonmarital assets to the extent possible and, if necessary, from the assets of the spouse who committed the fraud or financial misconduct, including ordering spousal support under section 951-A. The fraud or financial misconduct must be proved by clear and convincing evidence.'

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary. It provides that if a divorce is granted on the grounds of fraud or financial misconduct, the court must order the disposition of marital and nonmarital assets to make the complaining spouse whole. The fraud or financial misconduct must be proved by clear and convincing evidence.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 05/19/05 *mac*

122nd MAINE LEGISLATURE

LD 713

LR 2064(02)

An Act To Amend Maine's Divorce Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Minor cost increase - General Fund

Correctional and Judicial Impact Statements:

Small increase in number of prolonged hearings