

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)



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 713

H.P. 508

House of Representatives, February 10, 2005

An Act To Amend Maine's Divorce Laws

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLETT of Waterford.
Cosponsored by Representative: BRYANT-DESCHENES of Turner.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

Sec. 1. 19-A MRSA §902, sub-§1, ¶¶H and I, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

H. Irreconcilable marital differences; or

I. Mental illness requiring confinement in a mental institution for at least 7 consecutive years prior to the commencement of the action; or

Sec. 2. 19-A MRSA §902, sub-§1, ¶J is enacted to read:

J. Fraud or financial misconduct.

Sec. 3. 19-A MRSA §953, sub-§10 is enacted to read:

10. Fraud or financial misconduct. If a divorce is brought under section 902, subsection 1, paragraph J, the court must order the disposition of marital property to make the complaining spouse whole from the marital 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 a preponderance of the evidence.

SUMMARY

This bill creates new grounds for divorce: fraud or financial misconduct. This bill requires a court, upon a showing by the complaining spouse of fraud or financial misconduct by a preponderance of the evidence, to make the complaining spouse whole through the disposition of the marital assets and, if necessary, from the assets and future income of the spouse who committed the fraud or financial misconduct.