

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 1812

DATE: 3/22/06

(Filing No. H-869)

JUDICIARY

Majority

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1252, L.D. 1812, Bill, "An Act To Correct Deficiencies in the Divorce Laws"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 19-A MRSA §901, sub-§2, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

2. Guardian ad litem. If the alleged cause is mental illness that one of the parties is an incapacitated person, as provided in section 902, subsection 1, paragraph I J, the court shall appoint a guardian ad litem to represent the interests of the defendant incapacitated person.

Sec. 2. 19-A MRSA §902, sub-§1, ¶I, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

Sec. 3. 19-A MRSA §902, sub-§1, ¶J is enacted to read:

J. A judicial determination has been made that one of the parties is an incapacitated person, as defined in Title 18-A, section 5-101, for whom a guardian with full powers has been appointed, other than a temporary guardian appointed pursuant to Title 18-A, section 5-310-A.

Sec. 4. 19-A MRSA §951-A, sub-§11 is enacted to read:

11. Support while pending. The trial court may make, modify or enforce an award of spousal support under this section while an action is pending, including while on appeal.'

COMMITTEE AMENDMENT

R.O.S.

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**SUMMARY**

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This amendment is the majority report of the Joint Standing Committee on Judiciary.

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This amendment replaces the bill.

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This amendment adds as a ground for divorce that a judicial determination has been made that one of the parties is an incapacitated person, as defined in the Probate Code, for whom a guardian with full powers, not a temporary guardian, has been appointed. This amendment provides that the court hearing the divorce must appoint a guardian ad litem for the incapacitated person.

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This amendment repeals the ground for divorce based on mental illness requiring confinement for at least 7 consecutive years.

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This amendment revises the bill's provision concerning spousal support while a divorce action is pending to specify that it is the trial court that may issue such an order while the action is pending, including on appeal, and also that the trial court may modify and enforce such orders while the action is pending. The trial court will already have knowledge of the parties and the issues and will be able to quickly rule on whether support is appropriate during the pendency of an appeal or whether an existing order should be modified or needs enforcement.

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**FISCAL NOTE REQUIRED**  
(See attached)

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Approved: 02/27/06 *MOC*

# 122nd MAINE LEGISLATURE

LD 1812

LR 2903(02)

**An Act to Correct Deficiencies in the Divorce Laws**

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

**Committee: Judiciary**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund