

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1812

H.P. 1252

House of Representatives, January 3, 2006

An Act To Correct Deficiencies in the Divorce Laws

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative MILLS of Farmington.

Cosponsored by Representative: PELLETIER-SIMPSON of Auburn.

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

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

H. Irreconcilable marital differences; or

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 amended to read:

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

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

J. A judicial determination that one of the parties is permanently mentally incompetent.

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

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

SUMMARY

This bill makes 2 changes to the divorce laws.

First, this bill adds as a ground for divorce the judicial determination that one of the spouses is mentally incompetent.

Second, this bill authorizes the court to award spousal support while the divorce action is pending, including while the case is on appeal.