

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 376

H.P. 283

House of Representatives, February 5, 2009

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### An Act To Remove Domestic Court Cases from the Probate Court

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WAGNER of Lewiston.  
Cosponsored by Senator CRAVEN of Androscoggin and  
Representatives: BLODGETT of Augusta, COHEN of Portland, EVES of North Berwick,  
GILBERT of Jay, HAYES of Buckfield, LAJOIE of Lewiston, PEOPLES of Westbrook,  
PINKHAM of Lexington Township.

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

2 **Sec. 1. 4 MRSA §152, sub-§11**, as enacted by PL 1999, c. 731, Pt. ZZZ, §4 and  
3 affected by §42, is amended to read:

4 **11. Actions for divorce, separation or annulment.** Original jurisdiction, not  
5 concurrent with the Superior Court or Probate Court, of actions for divorce, annulment of  
6 marriage or judicial separation and proceedings under Title 19-A, except as otherwise  
7 specifically provided.

8 Actions for divorce, annulment or separation pending in the Superior Court may be  
9 transferred, upon agreement of the parties, from the Superior Court to the District Court  
10 in accordance with rules adopted by the Supreme Judicial Court. An action so transferred  
11 remains in the District Court, which has exclusive jurisdiction thereafter, subject to the  
12 rights of appeal to the Law Court as to matters of law;

13 **Sec. 2. 4 MRSA §152, sub-§12**, as enacted by PL 1999, c. 731, Pt. ZZZ, §4 and  
14 affected by §42, is amended to read:

15 **12. Property matters between spouses.** Original jurisdiction, not concurrent with  
16 the Superior Court or Probate Court, of actions to hear and determine property matters  
17 between spouses as provided in Title 19-A, section 806 and to make all necessary orders  
18 and decrees relating to these matters, to issue all necessary process to enforce the orders  
19 and decrees and to cause all the orders and decrees to be enforced. This subsection does  
20 not apply to or affect actions initiated in the Superior Court before the effective date of  
21 this subsection;

22 **Sec. 3. 19-A MRSA §103**, as amended by PL 1999, c. 731, Pt. ZZZ, §26 and  
23 affected by §42, is further amended to read:

24 **§103. Jurisdiction**

25 Except as otherwise expressly provided, the District Court has original and exclusive  
26 jurisdiction of all actions under this Title.

27 **Sec. 4. 19-A MRSA §1652, sub-§1**, as amended by PL 2001, c. 554, §7, is  
28 further amended to read:

29 **1. Petition.** If a parent, spouse or child resides in this State, a parent, a spouse, a  
30 guardian or a state providing maintenance may petition the District Court ~~or Probate~~  
31 ~~Court~~ to order a nonsupporting parent or spouse to contribute to the support of the  
32 nonsupporting person's spouse or child. The petition may be brought in the court in the  
33 district ~~or county~~ where the parent, spouse or child resides or in the district ~~or county~~ in  
34 which the nonsupporting person may be found.

35 **Sec. 5. 19-A MRSA §1654, first ¶**, as amended by PL 1999, c. 731, Pt. ZZZ, §34  
36 and affected by §42, is further amended to read:

37 If the father and mother of a minor child are living apart, the ~~Probate Court or~~ District  
38 Court in the ~~county or~~ division where either resides, upon complaint of either and after

1 notice to the other as the court may order, may make an order awarding parental rights  
2 and responsibilities with respect to the child in accordance with this chapter.

3 **SUMMARY**

4 The purpose of this bill is to ensure the District Court has exclusive jurisdiction over  
5 family law actions.

6 This bill clarifies that the jurisdiction of the District Court with regard to family  
7 matters is original and not concurrent with either the Superior Court or the Probate Court.

8 This bill amends the general jurisdiction language of the Maine Revised Statutes,  
9 Title 19-A to provide that the District Court has exclusive jurisdiction over all court  
10 actions listed in Title 19-A unless expressly provided otherwise.

11 This bill deletes the jurisdiction of the Probate Court over actions concerning a  
12 spouse's or parent's obligation to support the spouse or child. It also eliminates the  
13 jurisdiction of the Probate Court over parental rights and responsibilities for parents that  
14 are not married to each other.