MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 580

H.P. 418

House of Representatives, February 17, 2009

An Act Concerning the Automatic Dissolution of Certain Marriages

(EMERGENCY)

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204. Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland MILLICENT M. MacFARLAND Clerk

Presented by Representative PRIEST of Brunswick. Cosponsored by Senator HASTINGS of Oxford.

1 2	Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4 5	Whereas, the Maine Revised Statutes, Title 19-A, section 751, subsection 2 provides for the dissolution of a marriage when there is a final entry of a criminal judgment sentencing either spouse to a term of life imprisonment; and
6 7	Whereas, this practice is not followed by either the Department of Health and Human Services or the Department of Corrections; and
8	Whereas, some families do not want the marriage to be dissolved; and
9 10 11 12	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,
13	Be it enacted by the People of the State of Maine as follows:
14 15	Sec. 1. 19-A MRSA §751, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:
16	§751. Certain marriages void without process
17	The following marriages are void and dissolved without legal process:
18 19	1. Solemnized in State. A marriage prohibited in section 701, if solemnized in this State; or.
20 21	2. Final judgment. A marriage when there is an entry of a final judgment sentencing either party to imprisonment for life.
22 23	Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.
24	SUMMARY
25 26 27 28	This bill repeals the Maine Revised Statutes, Title 19-A, section 751, subsection 2, which provides that a marriage is void and dissolved without legal process when there is a final entry of a criminal judgment sentencing either spouse to a term of life imprisonment.