

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 548

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H.P. 367

House of Representatives, February 19, 2013

### **An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative JOHNSON of Eddington.  
Cosponsored by Senator YOUNGBLOOD of Penobscot and  
Representatives: BEAULIEU of Auburn, BENNETT of Kennebunk, CAMPBELL of  
Orrington, CROCKETT of Bethel.

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

2 **Sec. 1. 19-A MRSA §951-A, sub-§2,** as enacted by PL 1999, c. 634, §3, is  
3 amended to read:

4 **2. Types of spousal support.** The court may, after consideration of all factors set  
5 forth in subsection 5, award or modify spousal support for one or more of the following  
6 reasons.

7 A. ~~General~~ Transitional support may be awarded to provide financial assistance to a  
8 spouse with substantially less income ~~potential at the time of the divorce~~ than the  
9 other spouse so that both spouses ~~can maintain~~ have sufficient time to establish a  
10 reasonable standard of living and self-sufficiency after the divorce.

11 ~~(1) There is a rebuttable presumption that general support may not be awarded if~~  
12 ~~the parties were married for less than 10 years as of the date of the filing of the~~  
13 ~~action for divorce. There is also a rebuttable presumption that general~~  
14 Transitional support may not be awarded for a term exceeding 1/2 the length of  
15 the marriage ~~if the parties were married for at least 10 years but not more than 20~~  
16 ~~years as of the date of the filing of the action for divorce.~~

17 ~~(2) If the court finds that a spousal support award based upon a presumption~~  
18 ~~established by this paragraph would be inequitable or unjust, that finding is~~  
19 ~~sufficient to rebut the applicable presumption. Notwithstanding the period~~  
20 established in subparagraph (1), transitional support terminates upon:

21 (a) Death of either party;

22 (b) Remarriage of the party receiving transitional support;

23 (c) Either party's reaching full retirement age as defined in the United States  
24 Social Security Act of 1935, as amended; or

25 (d) Cohabitation by the party receiving transitional support in a household in  
26 which that party receives support, other than transitional support, for more  
27 than one year.

28 (3) An award of transitional support may be modified during the term of the  
29 award for a significant change, as determined by the court, in the circumstances  
30 of either party other than a change under subparagraph (2).

31 B. ~~Transitional~~ Rehabilitative support may be awarded to provide for a spouse's  
32 ~~transitional~~ special short-term needs, including, but not limited to:

33 (1) Short-term needs resulting from financial dislocations associated with the  
34 dissolution of the marriage; or

35 (2) Reentry or advancement in the work force, including, but not limited to,  
36 physical or emotional rehabilitation services, vocational training and education.

37 Rehabilitative support may not be awarded for more than 4 years, starting from the  
38 date of the filing of the action for divorce.

1 C. Reimbursement support may be awarded to achieve an equitable result in the  
2 overall dissolution of the parties' financial relationship in response to exceptional  
3 circumstances. Exceptional circumstances include, but are not limited to:

- 4 (1) Economic misconduct by a spouse; and  
5 (2) Substantial contributions a spouse made towards the educational or  
6 occupational advancement of the other spouse during the marriage.

7 Reimbursement support may be awarded only if the court determines that the parties'  
8 financial circumstances do not permit the court to fully address equitable  
9 considerations through its distributive order pursuant to section 953.

10 ~~D. Nominal support may be awarded to preserve the court's authority to grant~~  
11 ~~spousal support in the future.~~

12 E. Interim support may be awarded to provide for a spouse's separate support during  
13 the pendency of an action for divorce or judicial separation.

14 **SUMMARY**

15 This bill makes the following changes regarding spousal support in divorce actions.

- 16 1. It renames "general support" as "transitional support."  
17 2. It removes the rebuttable presumption against an award of transitional support for  
18 marriages shorter than 10 years in duration.  
19 3. It provides for an end to transitional support if either party dies or reaches normal  
20 retirement age or if the party receiving support remarries or cohabits with someone for  
21 more than one year.  
22 4. It provides that an award of transitional support may be modified for any other  
23 significant change in circumstances of either party.  
24 5. It renames "transitional support" as "rehabilitative support" and limits the award of  
25 rehabilitative support to 4 years from the date the divorce action is filed.  
26 6. It eliminates the ability of the court to award nominal support.