

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 578

S.P. 193

In Senate, February 16, 2017

**An Act To Modify the Divorce Laws Concerning Perpetrators of
Domestic Violence**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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

2 **Sec. 1. 19-A MRSA §951-A, sub-§13** is enacted to read:

3 **13. Domestic violence.** The court may not award spousal support to a party who has
4 violated Title 17-A, section 207-A, 209-A, 210-B or 210-C or a similar provision from
5 another jurisdiction if the opposing party was the victim. A violation under this
6 subsection may be proved by providing the court with a certified copy of the conviction
7 from the court in which the matter was adjudicated or, if the violation has been alleged
8 but did not result in a criminal conviction, the court may determine that a violation of
9 Title 17-A, section 207-A, 209-A, 210-B or 210-C or a similar provision from another
10 jurisdiction occurred by a preponderance of the evidence submitted by the opposing
11 party.

12 **Sec. 2. 19-A MRSA §953, sub-§10** is enacted to read:

13 **10. Domestic violence.** The court may not award any portion of any retirement
14 benefits of an opposing party to a party who has violated Title 17-A, section 207-A,
15 209-A, 210-B or 210-C or a similar provision from another jurisdiction if the opposing
16 party was the victim. A violation under this subsection may be proved by providing the
17 court with a certified copy of the conviction from the court in which the matter was
18 adjudicated or, if the violation has been alleged but did not result in a criminal conviction,
19 the court may determine that a violation of Title 17-A, section 207-A, 209-A, 210-B or
20 210-C or a similar provision from another jurisdiction occurred by a preponderance of the
21 evidence submitted by the opposing party.

22 **Sec. 3. 19-A MRSA §1051, sub-§3** is enacted to read:

23 **3. Domestic violence.** This section does not apply to a party who has violated Title
24 17-A, section 207-A, 209-A, 210-B or 210-C or a similar provision from another
25 jurisdiction, who may not continue to use the opposing party's name if the opposing party
26 was the victim. A violation under this subsection may be proved by providing the court
27 with a certified copy of the conviction from the court in which the matter was adjudicated
28 or, if the violation has been alleged but did not result in a criminal conviction, the court
29 may determine that a violation of Title 17-A, section 207-A, 209-A, 210-B or 210-C or a
30 similar provision from another jurisdiction occurred by a preponderance of the evidence
31 submitted by the opposing party. This subsection does not apply if the names of the
32 parties were identical before the marriage.

33 **SUMMARY**

34 This bill prohibits in a divorce action the awarding of spousal support or retirement
35 benefits to a party if the party has been convicted of or proved by a preponderance of the
36 evidence to have committed domestic violence assault, domestic violence criminal
37 threatening, domestic violence terrorizing or domestic violence stalking and the other
38 party was the victim. The bill also prohibits the party from continuing to use the victim's
39 name unless the names of the parties were identical before the marriage.