

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SIXTIETH LEGISLATURE.

HOUSE.

No. 115.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-ONE.

AN ACT relating to divorce.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows :*

SECTION 1. Section two of chapter sixty of the
2 revised statutes is hereby amended, by adding to
3 said section the words "excepting as hereinafter
4 provided," so that said section as amended shall
5 read as follows:

6 *Sect. 2.* A divorce from the bonds of matrimony
7 may be decreed by the supreme judicial court, in
8 the county where either party resides at the com-
9 mencement of proceedings, where the judge deems
10 it reasonable and proper, conducive to domestic
11 harmony and consistent with the peace and mor-
12 ality of society, if the parties were married in this
13 state, or cohabited here after marriage, or resided
14 here in good faith one year prior to the commence-

15 ment of proceedings. Either party may be a wit-
16 ness, and where such divorce is granted, may marry
17 again excepting as hereinafter provided.

SECT. 2. When divorce is decreed by reason of
2 adultery, or of gross and habitual drunkenness, the
3 guilty party shall be incapable of marrying again,
4 excepting as provided in the following section; and
5 if the guilty party shall marry otherwise than as
6 hereinafter provided, such party shall be deemed
7 guilty of polygamy.

SECT. 3. In case of divorce for adultery, or by
2 reason of gross and habitual drunkenness, a justice
3 of the supreme judicial court, upon petition filed at
4 any time after the expiration of one year from the
5 date of the decree, by the party against whom the
6 divorce was granted, and upon such notice as the
7 court shall order, may authorize such party to
8 marry again. This shall not be applicable in any
9 case where there has been collusion of the parties.
10 Orders of notice on petition for leave to marry
11 again may be issued by clerks of the supreme judi-
12 cial court, as they are now authorized to do on
13 libels for divorce.

SECT. 4. The supreme judicial court sitting in
2 any county, may, on petition of the wife, prohibit
3 the husband from imposing any restraint on her

4 personal liberty during the pendency of a libel for
5 divorce.

SECT. 5. When the parents of minor children
2 live separately, the justices of said court, upon the
3 petition of either parent, shall have the same power
4 to make decree concerning their care, custody,
5 education and maintenance as concerning children
6 whose parents are divorced, and in all controver-
7 sies in regard to the custody and care of children,
8 the rights of the parents, in the absence of miscon-
9 duct, shall be held to be equal, and the happiness
10 and welfare of the children shall determine their
11 custody and possession.

SECT. 6. All hearings on libels for divorce shall
2 be had in open court, and the evidence shall be
3 taken by the stenographer and preserved in the
4 office of the clerk of the court.

SECT. 7. This act shall not be held to affect any
2 libels for divorce now pending.

SECT. 8. All acts inconsistent with this act are
2 hereby repealed.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 25, 1881. }

Reported by Mr. HALL, from Committee on the Judiciary,
and ordered printed under Joint Rule.

ORAMANDAL SMITH, *Clerk.*