

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 468

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT to amend section 2 of chapter 62 of the Revised
Statutes relating to proceedings for divorce.

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

Section 1. Section two of chapter sixty-two of the Revised
2 Statutes is hereby amended by inserting after the word
3 "treatment" in the seventh line thereof, the following words:
4 'insanity, when in consequence thereof the libellee has been
5 committed to and confined in a state asylum for the insane
6 for seven consecutive years next prior to the filing of the
7 libel and is found to be incurable,' and by adding to said sec-
8 tion, at the end thereof, the following words: 'But a divorce
9 granted for cause of insanity shall not affect the liability of
10 the libelant for the support of the libellee, unless, upon proof
11 that the libellee is possessed of property sufficient for such
12 libellee's maintenance, the court shall otherwise decree; but

13 divorce for cause of insanity is not deemed to be for the fault
14 of the libellee, and shall not entitle the libelant to any por-
15 tion of the libellee's property; and the court, in its dicretion,
16 may order the libelant to provide for or contribute to the
17 support of the libellee and to furnish security therefor.
18 Where insanity is alleged as a cause for divorce, a copy of
19 the libel shall be served on the libellee and on the guardian,
20 if any, of the libellee, and if such guardian does not appear
21 in court, or if the libellee has no guardian, the court shall
22 appoint a guardian ad litem for such libellee.' So that said
23 section as amended shall read as follows:

'Section 2. A divorce from the bonds of matrimony may
25 be decreed by the supreme judicial court in the county where
26 either party resides at the commencement of proceedings,
27 for causes of adultery, impotence, extreme cruelty, utter
28 desertion continued for three consecutive years next prior to
29 the filing of the libel, gross and confirmed habits of intoxica-
30 tion from the use of intoxicating liquors, opium or other
31 drugs, cruel and abusive treatment, insanity, when in conse-
32 quence thereof the libellee has been committed to and con-
33 fined in a state asylum for the insane for seven consecutive
34 years next prior to the filing of the libel and is found to be
35 incurable, or on the libel of the wife, where the husband
36 being of sufficient ability or being able to labor and provide
37 for her, grossly or wantonly and cruelly refuses or neglects
38 to provide suitable maintenance for her; provided that the
39 parties were married in this State or cohabited here after
40 marriage, or if the libelant resided here when the cause of
41 divorce accrued, or had resided here in good faith for one
42 year prior to the commencement of proceedings, or if the
43 libellee is a resident of this State. But when both parties
44 have been guilty of adultery, or there is a collusion between
45 them to procure a divorce, it shall not be granted. Either

46 party may be a witness. But a divorce granted for cause of
47 insanity shall not affect the liability of the libelant for the
48 support of the libellee, unless, upon proof that the libellee is
49 possessed of property sufficient for such libellee's mainte-
50 nance, the court shall otherwise decree; but divorce for cause
51 of insanity is not deemed to be for the fault of the libellee,
52 and shall not entitle the libelant to any portion of the libellee's
53 property; and the court, in its discretion, may order the
54 libelant to provide for or contribute to the support of the
55 libellee and to furnish security therefor. Where insanity is
56 alleged as a cause for divorce, a copy of the libel shall be
57 served on the libellee and on the guardian, if any, of the
58 libellee, and if such guardian does not appear in court, or
59 if the libellee has no guardian, the court shall appoint a
60 guardian ad litem for such libellee.'

Sect. 2. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 9, 1905.

Reported by Mr. POWERS from Committee on Judiciary and **ordered**
printed under joint rules.

E. M. THOMPSON, *Clerk*.