

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 612

STATE OF MAINE.

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

AN ACT to amend section two of chapter sixty-two of the
Revised Statutes relating to divorce proceedings.

*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
2 Revised Statutes is hereby amended by inserting after the
3 word "treatment" in the seventh line thereof, the following
4 words: 'insanity, when in consequence thereof the libellee
5 has been committed to and confined in a state asylum for the
6 insane for fifteen consecutive years next prior to the filing
7 of the libel and is found to be incurable,' and by adding to
8 said section, at the end thereof the following words: 'But
9 a divorce granted for cause of insanity shall not affect the

10 liability of the libelant for the support of the libellee, unless,
11 upon proof that the libellee is possessed of property suffi-
12 cient for such libellee's maintenance, the court shall otherwise
13 decree; nor shall it entitle the libelant to any portion of the
14 libellee's property; and the court, in its discretion, may order
15 the libelant to provide for or contribute to the support of the
16 libellee and to furnish security therefor. Where insanity
17 is alleged as a cause for divorce, a copy of the libel shall be
18 served on the libellee and on the guardian, if any, of the
19 libellee, and if such guardian does not appear in court, or
20 if the libellee has no guardian, the court shall appoint a guar-
21 dian ad litem for such libellee.' So that said section as
22 follows:

'Sect. 2. A divorce from the bonds of matrimony may be
24 decreed by the supreme judicial court in the county where
25 either party resides at the commencement of proceedings,
26 for causes of adultery, impotence, extreme cruelty, utter
27 desertion continued for three consecutive years next prior to
28 the filing of the libel, gross and confirmed habits of intoxi-
29 cation from the use of intoxicating liquors, opium or other
30 drugs, cruel and abusive treatment, insanity, when in conse-
31 quence thereof the libellee has been committed to and con-
32 fined in a state asylum for the insane for fifteen consecutive
33 years next prior to the filing of the libel and is found to be
34 incurable, or on the libel of the wife, where the husband
35 being of sufficient ability or being able to labor and provide
36 for her, grossly or wantonly and cruelly refuses or neglects

37 to provide suitable maintenance for her; provided that the
38 parties were married in this state or cohabited here after
39 marriage, or if the libellant resided here when the cause of
40 divorce accrued, or had resided here in good faith for one
41 year prior to the commencement of proceedings, or if the
42 libellee is a resident of this state. (a) But when both
43 parties have been guilty of adultery, or there is a collusion
44 between them to procure a divorce, it shall not be granted.
45 (b) Either party may be a witness. But a divorce granted
46 for cause of insanity shall not affect the liability of the libel-
47 ant for the support of the libelee, unless, upon proof that the
48 libellee is possessed of property sufficient for such libellee's
49 maintenance, the court shall otherwise decree; nor shall it
50 entitle the libellant to any portion of the libellee's property;
51 and the court, in its discretion, may order the libellant to pro-
52 vide for or contribute to the support of the libellee and to
53 furnish security therefor. Where insanity is alleged as a
54 cause for divorce, a copy of the libel shall be served on
55 the libellee and on the guardian, if any, of the libellee, and
56 if such guardian does not appear in court, or if the libellee
57 has no guardian, the court shall appoint a guardian ad litem
58 for such libellee.'

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 16, 1907.

Reported by Mr. JOHNSON from Committee on Judiciary, and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*