

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 353

In Senate, Feb. 20, 1913.

Came from the House referred to the Committee on Judiciary, and on motion by Senator Morey of Androscoggin laid on the table for printing pending reference in concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT in relation to certain rights and liabilities of Husband
and Wife.

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

Section 1. If a husband fails, without just cause, to provide suitable support for his wife or deserts her, or if the wife, for just cause, is actually living apart from him, and if such failure to support or such living apart has continued for a period of at least six months next prior to the filing of the petition hereinafter referred to, the probate court may, upon her petition, or if she is insane, upon the petition of her guardian or next friend, prohibit the husband from imposing any restraint on her personal liberty during such

10 time as such court shall by order direct, and upon the peti-
11 tion of either the husband or wife, or of the guardian or
12 next friend of either who may be insane, may make further
13 orders relative to the care, custody and maintenance of the
14 minor children of the parties, may determine with which of
15 their parents such children, or any of them, shall remain,
16 may order the husband to pay to such court for the wife
17 sufficient money for the prosecution of such petition and
18 may from time to time, upon a similar petition, revise or
19 alter any such order and make a new order in lieu thereof,
20 as the circumstances of the parties or such minor children,
21 or any of them, may require, and may enforce obedience
22 by appropriate processes.

Sect. 2. If a wife, without just cause, deserts her hus-
2 band, or if he is living apart from her for just cause, and
3 if such desertion or living apart has continued for the period
4 set out in section 1, the probate court may, upon petition
5 of the husband, or if he is insane, upon the petition of his
6 guardian or next friend, enter a decree that such husband
7 is so deserted or is so living apart, and such husband may
8 thereafter convey his real property in the same manner as
9 if he were sole, and no portion of his estate shall descend
10 to his said wife at his decease, neither shall she be entitled
11 to receive any distributive share thereof or to waive any
12 will made by him in her favor.

Sect. 3. If the probate court has entered a decree that
2 a wife has been deserted by her husband, without just cause,

3 or is living apart from him for just cause, for the period
4 set out in sections 1 and 2, she may convey her real property
5 in the same manner and with the same effect as if she were
6 sole, and no portion of her estate shall descend to her said
7 husband at her decease, neither shall he be entitled to re-
8 ceive any distributive share thereof or to waive the pro-
9 visions of any will made by her in his favor.

Sect. 4. The petition under the provisions of the preced-
2 ing sections may be brought and determined in the county
3 in which either of the parties lives, except that if the peti-
4 tioner has left the county in which the parties have lived
5 together and the respondent still lives therein, the petition
6 shall be brought in that county, and such notice shall be
7 given thereon as the judge of said court shall direct.

Sect. 5. The provisions of the foregoing sections shall
2 not bar the issue of the marriage from inheriting or affect
3 their rights, neither shall it invalidate any marriage settle-
4 ment or contract between the parties.