

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 932

House of Representatives, March 25, 1915.

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

C. C. HARVEY, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN**

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, without just cause, deserts his
2 wife, or if his wife, for just cause, is actually living apart
3 from him, and if such desertion or living apart has continued
4 for a period of at least one year next prior to the filing of
5 the petition hereinafter referred to, the probate court may,
6 upon her petition, or if she is insane, upon the petition of
7 her guardian or next friend, enter a decree that such wife
8 is so deserted or is so living apart and may prohibit the hus-

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

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 if
3 such desertion or living apart has continued for the period
4 set out in section one, 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 a
2 wife has been deserted by her husband, without just cause,
3 or has lived apart from him for just cause, for the period
4 set out in section one, she may convey her real property in
5 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 receive
8 any distributive share thereof or to waive the provisions of
9 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 lived together
5 and the respondent still lives therein, the petition shall be
6 brought in that county, and such notice shall be given there-
7 on as the judge of said court shall direct.

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

Sect. 6. Any party aggrieved by any order or decree here-
2 inbefore provided for may appeal to the supreme judicial
3 court in the same manner as provided for probate appeals.

Sect. 7. The register of probate for the county in which
2 the petition hereinbefore provided for is pending, shall re-
3 cord a copy of each final decree entered in said proceeding
4 in the registry of deeds in which said petition is pending

5 within ten days after the same has been entered by or cer-
6 tified to said court.

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2 wife, or if his wife, for just cause, is actually living apart
3 from him, and if such desertion or living apart has con-
4 tinued for a period of at least one year next prior to the
5 filing of the petition hereinafter referred to, the probate
6 court may, upon her petition, or if she is insane, upon the
7 petition of her guardian or next friend, enter a decree that
8 such wife is so deserted or is so living apart and may pro-
9 hibit the husband from imposing any restraint on her per-
10 sonal liberty during such time as such court shall by order
11 direct, and upon the petition of either the husband or wife,
12 or of the guardian or next friend of either who may be in-
13 sane, may make further orders relative to the care, custody
14 and maintenance of the minor children of the parties, may
15 determine with which of their parents such children, or any
16 of them, shall remain, may order the husband to pay to such
17 court for the wife sufficient money for the prosecution of
18 such petition and may from time to time, upon a similar peti-
19 tion, revise or alter any such order and make a new order
20 in lieu thereof, as the circumstances of the parties or such
21 minor children, or any of them, may require, and may en-
22 force obedience by appropriate process.

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

Sect. 3. If the probate court has entered a decree that a wife has been deserted by her husband, without just cause, or has lived apart from him for just cause, for the period set out in section one, she may convey her real property in the same manner and with the same effect as if she were sole, and no portion of her estate shall descend to her said husband at her decease, neither shall he be entitled to receive any distributive share thereof or to waive the provisions of any will made by her in his favor.

Sect. 4. The petition under the provisions of the preceding sections may be brought and determined in the county in which either of the parties lives, except that if the petitioner has left the county in which the parties lived together and the respondent still lives therein, the petition shall be

6 brought in that county, and such notice shall be given there-
7 on as the judge of said court shall direct.

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

Sect. 6. Any party aggrieved by any order or decree here-
2 inbefore provided for may appeal to the supreme judicial
3 court in the same manner as provided for probate appeals.

Sect. 7. Whenever any decree provided for in sections
2 one and two hereof shall become effective either by reason
3 of expiration of the time within which an appeal might have
4 been taken or of final judgment on appeal, the register of
5 probate shall forthwith file in the office of the register of
6 deeds in the same county, under seal of the probate court, a
7 certified copy thereof which the register of deeds shall record
8 without fee.