

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 146

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*In Senate, Feb. 9, 1917.*

*Referred to Committee on Judiciary and five hundred copies ordered printed. Sent down for concurrence.*

*W. E. LAWRY, Secretary.*

*Presented by Mr. Marshall of Cumberland.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT to amend Section Two of Chapter 65 of the Revised Statutes of 1916, and Section 80 of Chapter 82 of the Revised Statutes of 1916 Relating to the Jurisdiction of the Superior Court for Cumberland County.

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

Section 1. Section two of Chapter sixty-five of the Revised Statutes of 1916, is hereby amended by striking out the last five words of said section two, viz.: "except the county of Cumberland." so that said section as amended shall read as follows:

'Sect. 2. Causes for which divorce may be granted. R. S.

2 c. 62, §2, 1907, c. 148, 1913, c. 8. A divorce from the  
3 bonds of matrimony may be decreed in the county where  
4 either party resides at the commencement of proceedings,  
5 for causes of adultery, impotence, extreme cruelty, utter  
6 desertion continued for three consecutive years next prior  
7 to the filing of the libel, gross and confirmed habits of in-  
8 toxication from the use of intoxicating liquors, opium or  
9 other drugs, cruel and abusive treatment, or on the libel  
10 of the wife, where the husband being of sufficient ability  
11 or being able to labor and provide for her, grossly or wan-  
12 tonly and cruelly refuses or neglects to provide suitable  
13 maintenance for her; provided, that the parties were mar-  
14 ried in this state or cohabited here after marriage, or if  
15 the libelant resided here when the cause of divorce accrued,  
16 or had resided here in good faith for one year prior to the  
17 commencement of proceedings, or if the libelee is a resident  
18 in this state. But when both parties have been guilty of  
19 adultery, or there is collusion between them to procure a  
20 divorce, it shall not be granted. Either party may be a  
21 witness. The supreme judicial court has jurisdiction of  
22 libels for divorce in all counties.'

Sect. 2. Section eighty of Chapter eighty-two of the Re-  
2 vised Statutes of 1916 is hereby amended by striking out  
3 in the third line of said section the words "exclusive orig-  
4 inal jurisdiction of libels for divorce" and substituting there-  
5 for the words 'concurrent original jurisdiction with the  
6 Supreme Court of libels for divorce' so that said section as  
7 amended shall read as follows:

'Sect. 80. Jurisdiction. R. S. c. 79, § 71, 1911, c. 196,  
2 1913, c. 174, 1915, c. 39. Within said county, said superior  
3 court has exclusive jurisdiction of civil appeals from  
4 municipal and police courts and trial justices; concurrent  
5 original jurisdiction with the Supreme Court of libels for  
6 divorce, including any petition for annulment of marriage  
7 or petition for modification of a decree of divorce, whether  
8 such decree was granted in the superior court or in the  
9 supreme judicial court for said county; actions of scire  
10 facias on judgments and recognizances not exceeding five  
11 hundred dollars; of bastardy trials, and of all other civil  
12 actions at law not exclusively cognizable by municipal and  
13 police courts and trial justices, where the damages de-  
14 manded do not exceed five hundred dollars, except com-  
15 plaints for flowage, real actions and actions of trespass  
16 quare clausum, and concurrent original jurisdiction of  
17 actions of trespass quare clausum, and of proceedings in  
18 habeas corpus; and of all other civil actions at law where  
19 the damages exceed five hundred dollars, except complaints  
20 for flowage and real actions.'

Sect. 3. All acts and parts of acts inconsistent herewith  
2 are hereby repealed.