

# MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

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House Document

No. 569

H. P. 1560 House of Representatives, March 1, 1929.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Peacock of Readfield.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE

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AN ACT to Amend Section Two, Chapter Sixty-Five of the  
Revised Statutes Relating to Causes for Divorce.

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

Section two, chapter sixty-five of the revised statutes and  
2 all acts additional and amendatory thereto are hereby  
3 amended by striking out all of said section and inserting  
4 the following in lieu thereof:

'Sect. 2. *Causes for which divorces may be granted.* A  
2 divorce from the bonds of matrimony may be decreed in  
3 the county where either of the parties reside at the com-  
4 mencement of proceedings, for the following causes:

Adultery, impotence, extreme cruelty, where either party

2 willfully deserts and absents himself or herself from the  
3 other for the space of one year next prior to the filing of  
4 the libel without reasonable cause, cruel and abusive treat-  
5 ment, insanity where both husband and wife are residents  
6 of this state if either has become incurably insane and has  
7 been confined legally in a hospital or asylum for the insane  
8 for at least five years next preceding the bringing of the  
9 complaint in such action, providing that when a divorce  
10 is granted the husband for the insanity of the wife, the  
11 court, after due inquiry into the financial condition of the  
12 husband, shall order the husband to pay annually to the  
13 institution where the wife is confined a reasonable sum  
14 according to his means for the support of said wife and  
15 the court may from time to time modify said decree for  
16 cause and issue necessary precepts for the execution of the  
17 decree, where either party has been convicted of a felony  
18 after marriage, on the libel of the wife, where the hus-  
19 band being of sufficient ability or being able to labor and  
20 provide for her, grossly or wantonly and cruelly refuses  
21 and neglects to provide suitable maintenance for her. Pro-  
22 vided, that the parties were married in this state or cohabi-  
23 tated here after marriage, or if the libellant resided here  
24 in good faith for one year prior to the commencement of  
25 the proceedings, except for the cause of insanity, or if the  
26 libelee is a resident of this state. But when both parties  
27 have been guilty of adultery, unless said adultery has been  
28 condoned, or there is collusion between them to procure

29 a divorce, it shall not be granted. Either party may be a  
30 witness. The supreme judicial court has jurisdiction of  
31 libels for divorce except in the county of Cumberland.

Section three of chapter sixty-five of the revised statutes  
2 and all acts additional and amendatory thereto is amended  
3 by adding the following: 'Service upon an insane libelee  
4 shall be made by serving an attested copy in hand on the  
5 libelee and also by serving an attested copy of said libel  
6 in hand on one of the municipal officers of the town from  
7 which said libelee was committed to the hospital or asylum,  
8 said service to be made at least fourteen days prior to the  
9 return day thereof. Before hearing upon the merits of  
10 the libel, the court shall appoint a guardian ad litem for  
11 said libelee.'