

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 522

S. P. 414

In Senate, Feb. 12, 1931.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weeks of Somerset.

STATE OF MAINE

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

AN ACT Relating to Divorce Proceedings.

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

Section two of chapter seventy-three of the Revised Statutes is hereby amended by inserting after the word "treatment" in the seventh line thereof, the following words: 'insanity, when in consequence thereof the libelee has been committed to and confined in a state asylum for the insane for three consecutive years next prior to the filing of the libel and is found to be incurable,' and by further inserting after the word "witness" in next to the last line of said section, the following words: 'But a divorce granted for cause of insanity shall not affect the liability of the libelant for the support of the libelee, unless, upon proof that the libelee is possessed of property sufficient for such libelee's maintenance, the court shall otherwise decree; nor shall it entitle the libelant to any portion of the libelee's property; and the court, in its discretion, may order the libelant to provide for or contribute to the support of the libelee and to furnish security therefor. Where insanity is alleged as a cause for divorce, a copy of the libel shall be served on the libelee and on the guardian, if any, of the libelee, and if such guardian does not appear in court, or if the libelee has no guardian, the court shall appoint a guardian ad litem for such libelee,' so that said section as amended, shall read as follows:

'Sec. 2. Causes for which divorce may be granted. R. S. c. 65, sec. 2. A divorce from the bonds of matrimony may be decreed in the county where either party resides at the commencement of proceedings, for causes of adultery, impotence, extreme cruelty, utter desertion continued for three consecutive years next prior to the filing of the libel, gross and confirmed habits of intoxication from the use of intoxicating liquors, opium or other drugs, cruel and abusive treatment, insanity, when in consequence thereof the libelee has been committed to and confined in a state asylum for the insane for three consecutive years next prior to the filing of the libel and is found to be incurable, or on the libel of the wife, where the husband being of sufficient ability or being able to labor and provide for her, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her; provided, that the parties were married in this state or cohabited here after marriage, or if the libelant resided here when the cause of divorce accrued, or had resided here in good faith for one year prior to the commencement of proceedings, or if the libelee is a resident of this state. But when both parties have been guilty of adultery, or there is collusion between them to procure a divorce, it shall not be granted. Either party may be a witness. But a divorce granted for cause of insanity shall not affect the liability of the libelant for the support of the libelee, unless, upon proof that the libelee is possessed of property sufficient for such libelee's maintenance, the court shall otherwise decree; nor shall it entitle the libelant to any portion of the libelee's property; and the court, in its discretion, may order the libelant to provide for or contribute to the support of the libelee and to furnish security therefor. Where insanity is alleged as a cause for divorce, a copy of the libel shall be served on the libelee and on the guardian, if any, of the libelee, and if such guardian does not appear in court, or if the libelee has no guardian, the court shall appoint a guardian ad litem for such libelee. The superior court has jurisdiction of libels for divorce in all counties.'