

# 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)

ACTS AND RESOLVES

OF THE

STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

---

Published by the Secretary of State.

---

AUGUSTA

KENNEBEC JOURNAL PRINT

1915

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Seventh Legislature

**1915**

[supplied from page 1 of volume]

ments and additions thereto, trial justices and judges of the municipal and police courts within their counties shall have by complaint original and concurrent jurisdiction with the Supreme Judicial and Superior courts. CHAP. 328

Section 7. All acts and parts of acts inconsistent herewith are hereby repealed. —Inconsistent acts repealed.

Section 8. This act shall take effect the first Monday of September, nineteen hundred fifteen. —take effect.

Approved April 2, 1915.

---

### Chapter 328.

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 wife, or if his wife, for just cause, is actually living apart from him, and if such desertion or living apart has continued for a period of at least one year 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, enter a decree that such wife is so deserted or is so living apart and may prohibit the husband from imposing any restraint on her personal liberty during such time as such court shall by order direct, and upon the petition of either the husband or wife, or of the guardian or next friend of either who may be insane, may make further orders relative to the care, custody and maintenance of the minor children of the parties, may determine with which of their parents such children, or any of them, shall remain, may order the husband to pay to such court for the wife sufficient money for the prosecution of such petition and may from time to time, upon a similar petition, revise or alter any such order and make a new order in lieu thereof, as the circumstances of the parties or such minor children, or any of them, may require, and may enforce obedience by appropriate process.

Desertion of husband from wife.

—probate court may enter decree.

—provisions for children.

Section 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

Desertion of wife from husband.

—probate court may give husband sole ownership of property.

CHAP. 328 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.

Deserted wife may be sole owner of her property.

Section 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.

Petition, where brought.

Section 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 brought in that county, and such notice shall be given thereon as the judge of said court shall direct.

—notice.

—shall not invalidate any marriage settlement or contract.

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

—may appeal.

Section 6. Any party aggrieved by any order or decree hereinbefore provided for may appeal to the Supreme Judicial court in the same manner as provided for probate appeals.

Certified copy of any decree shall be filed in office of register of deeds.

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