

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
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applicant resides, the district attorney for the county where the conviction occurred, the law enforcement agency which investigated the crime, the chief of police and sheriff in the municipality and county where the crime occurred and the chief of police and sheriff in the municipality where the applicant resides as of the filing of the application. The commissioner may direct any appropriate investigation to be carried out. If, within 30 days of the sending of notice, any person so notified objects in writing to the issuance of a permit, none shall be issued. The commissioner may deny an application if no objection is filed.

5. **Appeal.** Any person to whom a permit has been denied may appeal to the Superior Court of Kennebec County. The decision of the commissioner may not be overturned unless the court shall find that the applicant's request is reasonable and that the denial of the commissioner was arbitrary, capricious or discriminatory.

6. **Filing fee.** The commissioner may establish a reasonable filing fee not to exceed \$25 to defray costs of processing applications.

7. **Definitions.** For the purposes of this section, the term "dangerous weapon" shall have the same meaning as in Title 17-A, section 2, subsection 9 and the term "firearm" shall have the same meaning as in Title 17-A, section 2, subsection 12-A.

8. **Penalty.** A violation of subsection 1 is a Class C crime.

Effective October 24, 1977

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## CHAPTER 226

### AN ACT to Modify the Grounds for Divorce and the Proceedings to Obtain a Divorce.

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

Sec. 1. 19 MRSA § 691, as last amended by PL 1973, c. 532, is repealed and the following enacted in its place:

#### § 691. Grounds; jurisdiction

1. **Grounds.** A divorce may be decreed for one of the following causes:

A. Adultery;

B. Impotence;

C. Extreme cruelty;

- D. Utter desertion continued for 3 consecutive years prior to the commencement of the action;
- E. Gross and confirmed habits of intoxication from the use of liquor or drugs;
- F. Nonsupport, where one spouse being of sufficient ability to provide for the other spouse, grossly or wantonly or cruelly refuses or neglects to provide suitable maintenance for the complaining spouse;
- G. Cruel and abusive treatment; and
- H. Irreconcilable marital differences.

If one party alleges that there are irreconcilable marital differences and the opposing party denies that allegation, the court upon its own motion or upon motion of either party may continue the case and require both parties to receive counseling by a qualified professional counselor to be selected either by agreement of the parties or by the court. The counselor shall give a written report of his counseling to the court and to both parties. The failure or refusal of the party who denies irreconcilable marital differences to submit to such counseling without good reason shall be prima facie evidence that the marital differences are irreconcilable.

When there is collusion between the parties to procure a divorce, it shall not be granted. An agreement to proceed with the divorce on the grounds of irreconcilable marital differences shall not be considered a collusive agreement.

Recrimination shall be a comparative rather than an absolute defense in any divorce action.

Condonation of the parties shall not be an absolute defense to any action for divorce but shall be discretionary with the court.

2. Jurisdiction. The Superior Court or the District Court shall have jurisdiction of an action for divorce if:

- A. The plaintiff has resided in good faith in this State for 6 months prior to the commencement of the action;
- B. The plaintiff is a resident of this State and the parties were married in this State;
- C. The plaintiff is a resident of this State and the parties resided in this State when the cause of divorce accrued; or
- D. The defendant is a resident of this State.

Any person serving on active duty in a branch of the Armed Services of the United States and the spouse of any such person who was not previously a citizen of this State and who, at the time of the commencement of an action for divorce, has been stationed at a military installation or installations or other place in this State for 6 months prior to the commencement of an action for divorce shall for the purposes hereof be deemed to be a resident in

good faith of this State and either the county in which the military installation or installations or other place at which he has been stationed is located or of the county in which he has sojourned.

Sec. 2. 19 MRSA § 722-A, sub-§ 4, is enacted to read:

4. Disposition of marital property. If both parties to a divorce action also request the court in writing to order disposition of marital property acquired by either or both of the parties to the divorce prior to January 1, 1972, or nonmarital property owned by the parties to the divorce action, the court shall also order such disposition in accordance with subsection 1.

Sec. 3. 19 MRSA § 726 is enacted to read:

§ 726. Corroborating witness

When the merits of a divorce action are not contested, whether or not an answer has been filed, there shall be no requirement that the testimony of the complaining party be corroborated by witnesses.

Effective October 24, 1977

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## CHAPTER 227

AN ACT to Repeal Certain Laws Relating to Occupations and Professions.

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

Sec. 1. 32 MRSA § 1701, as amended by PL 1971, c. 592, § 28, is further amended to read:

§ 1701. License required

No manufacturer, whether a person, firm or corporation, shall sell or offer for sale material used for the protection of buildings from damage by lightning until licensed to do so by the ~~Commissioner of Public Safety~~ **Electricians' Examining Board**.

Sec. 2. 32 MRSA § 1702, as amended by PL 1971, c. 592, § 36, is repealed and the following enacted in its place:

§ 1702. Conditions; bond; guarantee

No such license shall be issued until the Electricians' Examining Board has approved of the material made by such manufacturer for protection from lightning and of the manner and system of installing such material, nor until such manufacturer has filed a bond with the board in the penal sum of \$10,000,