

§951-A. Spousal support

1. Statement by court. An order granting, denying or modifying spousal support must state:

A. The type or types of support, if support is awarded; [PL 1999, c. 634, §3 (NEW).]

B. The method or methods of payment, and the term and limitations imposed, if support is awarded; [PL 1999, c. 634, §3 (NEW).]

C. If the support awarded is not, in whole or in part, subject to future modification; and [PL 1999, c. 634, §3 (NEW).]

D. The factors relied upon by the court in arriving at its decision to award or deny spousal support, if the proceeding was contested. [PL 1999, c. 634, §3 (NEW).]
[PL 1999, c. 634, §3 (NEW).]

2. Types of spousal support. The court may, after consideration of all factors set forth in subsection 5, award or modify spousal support for one or more of the following reasons.

A. General support may be awarded to provide financial assistance to a spouse with substantially less income potential than the other spouse so that both spouses can maintain a reasonable standard of living after the divorce.

(1) There is a rebuttable presumption that general support may not be awarded if the parties were married for less than 10 years as of the date of the filing of the action for divorce. There is also a rebuttable presumption that general support may not be awarded for a term exceeding 1/2 the length of the marriage if the parties were married for at least 10 years but not more than 20 years as of the date of the filing of the action for divorce.

(2) If the court finds that a spousal support award based upon a presumption established by this paragraph would be inequitable or unjust, that finding is sufficient to rebut the applicable presumption. [PL 1999, c. 634, §3 (NEW).]

B. Transitional support may be awarded to provide for a spouse's transitional needs, including, but not limited to:

(1) Short-term needs resulting from financial dislocations associated with the dissolution of the marriage; or

(2) Reentry or advancement in the work force, including, but not limited to, physical or emotional rehabilitation services, vocational training and education. [PL 1999, c. 634, §3 (NEW).]

C. Reimbursement support may be awarded to achieve an equitable result in the overall dissolution of the parties' financial relationship in response to exceptional circumstances. Exceptional circumstances include, but are not limited to:

(1) Economic misconduct by a spouse;

(2) Substantial contributions a spouse made towards the educational or occupational advancement of the other spouse during the marriage; and

(3) Economic abuse by a spouse. For the purposes of this subparagraph, "economic abuse" has the same meaning as in section 4002, subsection 3-B.

Reimbursement support may be awarded only if the court determines that the parties' financial circumstances do not permit the court to fully address equitable considerations through its distributive order pursuant to section 953. [PL 2021, c. 122, §1 (AMD).]

D. Nominal support may be awarded to preserve the court's authority to grant spousal support in the future. [PL 1999, c. 634, §3 (NEW).]

E. Interim support may be awarded to provide for a spouse's separate support during the pendency of an action for divorce or judicial separation. [PL 1999, c. 634, §3 (NEW).]
[PL 2021, c. 122, §1 (AMD).]

3. Methods of payment; term and limitations. The order must state the method or methods of payment that the court determines just, including, but not limited to, lump-sum and installment payments. The order must also state the term of and any limitations on the award that the court determines just, including, but not limited to:

A. A limit on any increases or decreases in the amount of support; [PL 1999, c. 634, §3 (NEW).]

B. A limit on any increases or decreases in the term of support; [PL 1999, c. 634, §3 (NEW).]

C. A limit on the method or methods of payment of support; [PL 1999, c. 634, §3 (NEW).]

D. A limit on the payment of support related to the remarriage of the payee; and [PL 1999, c. 634, §3 (NEW).]

E. A limit on the payment of support related to cohabitation by the payee. [PL 1999, c. 634, §3 (NEW).]

[PL 1999, c. 634, §3 (NEW).]

4. Modification. An award of spousal support issued before October 1, 2013 is subject to modification when it appears that justice requires unless and to the extent the order awarding or modifying spousal support expressly states that the award, in whole or in part, is not subject to future modification. An award of spousal support issued on or after October 1, 2013 is subject to modification when there is a substantial change in financial circumstances and it appears that justice requires.

[PL 2019, c. 272, §1 (AMD).]

5. Factors. The court shall consider the following factors when determining an award of spousal support:

A. The length of the marriage; [PL 1999, c. 634, §3 (NEW).]

B. The ability of each party to pay; [PL 1999, c. 634, §3 (NEW).]

C. The age of each party; [PL 1999, c. 634, §3 (NEW).]

D. The employment history and employment potential of each party; [PL 1999, c. 634, §3 (NEW).]

E. The income history and income potential of each party; [PL 1999, c. 634, §3 (NEW).]

F. The education and training of each party; [PL 1999, c. 634, §3 (NEW).]

G. The provisions for retirement and health insurance benefits of each party; [PL 1999, c. 634, §3 (NEW).]

H. The tax consequences of the division of marital property, including the tax consequences of the sale of the marital home, if applicable; [PL 1999, c. 634, §3 (NEW).]

I. The health and disabilities of each party; [PL 1999, c. 634, §3 (NEW).]

J. The tax consequences of a spousal support award; [PL 1999, c. 634, §3 (NEW).]

K. The contributions of either party as homemaker; [PL 1999, c. 634, §3 (NEW).]

L. The contributions of either party to the education or earning potential of the other party; [PL 1999, c. 634, §3 (NEW).]

M. Economic misconduct by either party resulting in the diminution of marital property or income; [PL 1999, c. 634, §3 (NEW).]

M-1. Economic abuse by a spouse. For the purposes of this paragraph, "economic abuse" has the same meaning as in section 4002, subsection 3-B; [PL 2021, c. 122, §2 (NEW).]

N. The standard of living of the parties during the marriage; [PL 1999, c. 634, §3 (NEW).]

O. The ability of the party seeking support to become self-supporting within a reasonable period of time; [PL 1999, c. 634, §3 (NEW).]

P. The effect of the following on a party's need for spousal support or a party's ability to pay spousal support:

(1) Actual or potential income from marital or nonmarital property awarded or set apart to each party as part of the court's distributive order pursuant to section 953; and

(2) Child support for the support of a minor child or children of the marriage pursuant to chapter 63; and [PL 1999, c. 634, §3 (NEW).]

Q. Any other factors the court considers appropriate. [PL 1999, c. 634, §3 (NEW).]
[PL 2021, c. 122, §2 (AMD).]

6. Enforcement. The court may use all necessary legal provisions to enforce its decrees.
[PL 1999, c. 634, §3 (NEW).]

7. Real estate and other property; life insurance and other security. The court may order part of the obligated party's real estate or other property, as well as the rents, profits or income from real estate or other property, to be assigned and set out to the other party for life or for such other period determined to be just. The court may also order the obligated party to maintain life insurance or to otherwise provide security for the payment of spousal support in the event the obligation may survive the obligated party's death.
[PL 1999, c. 634, §3 (NEW).]

8. Cessation upon death of payee or payor. An order awarding, denying or modifying spousal support may provide that the award survives the death of the payee or payor, or both. Unless otherwise stated in the order awarding spousal support, the obligation to make any payment pursuant to this section ceases upon the death of either the payee or the payor with respect to any payment not yet due and owing as of the date of death.
[PL 1999, c. 634, §3 (NEW).]

9. Effect of no award or termination of spousal support. A final judgment that does not award spousal support forever precludes such an award in that action. The complete termination of a spousal support award pursuant to the terms of the award or a final post-judgment order forever precludes the reinstatement of spousal support in that action.
[PL 1999, c. 634, §3 (NEW).]

10. Application. This section applies to:

A. Orders granting or denying spousal support entered on or after September 1, 2000; and [PL 1999, c. 634, §3 (NEW).]

B. The modification, termination and enforcement of orders granting spousal support entered on or after September 1, 2000. [PL 1999, c. 634, §3 (NEW).]
[PL 1999, c. 634, §3 (NEW).]

11. Support while pending. The trial court may make, modify or enforce an award of spousal support under this section while an action is pending, including while on appeal.
[PL 2005, c. 594, §4 (NEW).]

12. Cessation upon cohabitation.
[PL 2019, c. 272, §2 (RP).]

SECTION HISTORY

PL 1999, c. 634, §3 (NEW). PL 2005, c. 594, §4 (AMD). PL 2013, c. 327, §§1, 2 (AMD). PL 2019, c. 272, §§1, 2 (AMD). PL 2021, c. 122, §§1, 2 (AMD).

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