



132nd MAINE LEGISLATURE

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Legislative Document

No. 2142

S.P. 860

In Senate, January 7, 2026

An Act to Establish Guidance for Awarding General Spousal Support

Submitted by the Family Law Advisory Commission pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.

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

2 **Sec. 1. 19-A MRSA §951-A, sub-§1-A** is enacted to read:

3 **1-A. Definition.** As used in this section, unless the context otherwise indicates,
4 "spousal support income" means a party's gross income as defined in section 2001,
5 subsection 5, less, for the child support obligee, any amount the child support obligee is
6 determined to spend directly in support of children of the marriage as reflected on the child
7 support worksheet and less, for the child support obligor, any amount the child support
8 obligor is obligated to pay directly in support of children of the marriage as reflected on
9 the child support worksheet.

10 **Sec. 2. 19-A MRSA §951-A, sub-§2,** as amended by PL 2023, c. 646, Pt. C, §1, is
11 further amended to read:

12 **2. Types of spousal support.** ~~The Based on the facts of the case, the court may, after~~
13 ~~consideration of the presumptions for general support under subsection 2-A and all factors~~
14 ~~set forth in subsection 5, award or modify spousal support for on one or more of the~~
15 ~~following reasons grounds.~~

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

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

25 ~~(2) If the court finds that a spousal support award based upon a presumption~~
26 ~~established by this paragraph would be inequitable or unjust, that finding is~~
27 ~~sufficient to rebut the applicable presumption.~~

28 ~~A-1. General support may be awarded to allocate equitably between spouses certain~~
29 ~~financial losses that either or both may incur at dissolution when the family is divided~~
30 ~~into separate economic units, specifically, in a marriage of significant duration, the loss~~
31 ~~in living standard experienced at dissolution by the spouse who has less income or~~
32 ~~earning capacity. A person married to someone with significantly greater income or~~
33 ~~earning capacity is entitled at dissolution to compensation for a portion of the loss in~~
34 ~~the standard of living that person would otherwise experience, when the marriage is of~~
35 ~~sufficient duration that equity requires that some portion of the loss be treated as the~~
36 ~~spouses' joint responsibility.~~

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

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

41 ~~(2) Reentry or advancement in the work force, including, but not limited to,~~
42 ~~physical or emotional rehabilitation services, vocational training and education.~~

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

4 (1) Economic misconduct by a spouse;

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

7 (3) Economic abuse by a spouse. For the purposes of this subparagraph,
8 "economic abuse" has the same meaning as in section 4102, subsection 5.

9 Reimbursement support may be awarded only if the court determines that the parties'
10 financial circumstances do not permit the court to fully address equitable
11 considerations through its distributive order pursuant to section 953.

12 D. Nominal support may be awarded to preserve the court's authority to grant spousal
13 support in the future.

14 E. Interim support may be awarded to provide for a spouse's separate support during
15 the pendency of an action for divorce or judicial separation.

16 **Sec. 3. 19-A MRSA §951-A, sub-§2-A** is enacted to read:

17 **2-A. General support; entitlement.** The following provisions apply to a person's
18 entitlement to general support pursuant to subsection 2, paragraph A-1.

19 A. There is a rebuttable presumption that a person is entitled to an award under
20 subsection 2, paragraph A-1 when, as of the date of the filing, the parties have been
21 married for at least 10 years and the person's spousal support income is an amount
22 equal to 75% of the other spouse's spousal support income or less.

23 B. There is a rebuttable presumption that general support may not be awarded if the
24 parties were married for less than 10 years as of the date of the filing of the action for
25 divorce.

26 **Sec. 4. 19-A MRSA §951-A, sub-§2-B** is enacted to read:

27 **2-B. General support; calculation.** There is a rebuttable presumption that the amount
28 of any general support payments awarded pursuant to subsection 2, paragraph A-1 equals
29 the difference in the parties' spousal support incomes multiplied by the durational factor,
30 which is calculated by multiplying the number of years of marriage by 0.015, but only to
31 the extent that the resulting durational factor does not exceed 0.3. The award is computed
32 on a yearly basis but may be ordered to be paid monthly, weekly or on any other schedule
33 ordered by the court.

34 **Sec. 5. 19-A MRSA §951-A, sub-§2-C** is enacted to read:

35 **2-C. General support; length of award.** The following provisions apply to the length
36 of the general support that may be awarded to a person pursuant to subsection 2, paragraph
37 A-1.

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

1 B. There is a rebuttable presumption that the term of the award of general support is
2 indefinite if, as of the date of the filing of the action for divorce, the parties have been
3 married for at least 20 years.

4 **Sec. 6. 19-A MRSA §951-A, sub-§2-D** is enacted to read:

5 **2-D. Rebutting rebuttable presumptions.** If the court finds in writing that a spousal
6 support award based upon a rebuttable presumption established in subsection 2-A, 2-B or
7 2-C would be inequitable or unjust, that finding is sufficient to rebut the applicable
8 presumption. The court may use the factors set forth in subsection 5, or any other relevant
9 fact, to determine whether any presumption's application to the case before the court would
10 be inequitable or unjust. An award may be made under subsection 2, paragraph A-1 in
11 cases in which no presumption of entitlement exists if the court finds that a substantial
12 injustice will result if there is no award and the facts supporting the court's conclusion are
13 set forth in written findings of the trial court.

14 **Sec. 7. 19-A MRSA §951-A, sub-§2-E** is enacted to read:

15 **2-E. Second spousal support award at expiration of child support obligation.** If a
16 final judgment includes both an award of spousal support and a child support obligation
17 that will terminate within 3 years of the date of that judgment, the court may include a 2nd
18 spousal support award that will begin upon expiration of the child support obligation.

19 **Sec. 8. 19-A MRSA §951-A, sub-§5**, as amended by PL 2023, c. 646, Pt. C, §2, is
20 further amended to read:

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

- 23 A. The length of the marriage;
- 24 B. The ability of each party to pay;
- 25 C. The age of each party;
- 26 D. The employment history and employment potential of each party;
- 27 E. The income history and income potential of each party;
- 28 F. The education and training of each party;
- 29 G. The provisions for retirement and health insurance benefits of each party;
- 30 H. The tax consequences of the division of marital property, including the tax
31 consequences of the sale of the marital home resulting from division of the marital
32 property, if applicable;
- 33 I. The health and disabilities of each party;
- 34 J. The tax consequences of a spousal support award;
- 35 K. The contributions of either party as homemaker;
- 36 L. The contributions of either party to the education or earning potential of the other
37 party;
- 38 M. Economic misconduct by either party resulting in the diminution of marital
39 property or income;

1 M-1. Economic abuse by a spouse. For the purposes of this paragraph, "economic
2 abuse" has the same meaning as in section 4102, subsection 5;

3 N. The standard of living of the parties during the marriage;

4 O. The ability of the party seeking support to become self-supporting within a
5 reasonable period of time;

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

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

11 ~~(2) Child support for the support of a minor child or children of the marriage~~
12 ~~pursuant to chapter 63; and~~

13 P-1. Whether the spousal support award combined with a child support obligation
14 would be inequitable or unjust; and

15 Q. Any other factors the court considers appropriate.

16 **Sec. 9. Application.** This Act applies to all actions pending on or after January 1,
17 2027. For a motion to modify a spousal support award that was issued before January 1,
18 2027, the court may not use the rebuttable presumption in the Maine Revised Statutes, Title
19 19-A, section 951-A, subsection 2-B as the basis for a finding of a substantial change in
20 financial circumstances required to modify an award pursuant to Title 19-A, section 951-A,
21 subsection 4. If a party otherwise establishes a substantial change in financial
22 circumstances and it appears that justice requires the award to be modified, a court may
23 consider the presumption under Title 19-A, section 951-A, subsection 2-B to determine the
24 amount of a modified award.

25 SUMMARY

26 This bill makes the following changes to the laws governing the award of spousal
27 support in cases of divorce.

28 1. It clarifies the conditions under which general spousal support may be awarded and
29 when a person is entitled to it.

30 2. It establishes a rebuttable presumption that a person is entitled to an award of general
31 spousal support when at the time of filing for divorce the parties have been married for at
32 least 10 years and the person's income is 75% or less of the other spouse's income. The bill
33 requires that when determining whether to award spousal support, in addition to the factors
34 set forth in the Maine Revised Statutes, Title 19-A, section 951-A, subsection 5, a court
35 must also consider this presumption and the presumption against awarding general spousal
36 support that exists in current law and is allocated to a new subsection in the bill.

37 3. It establishes a formula for the court to calculate the amount of general spousal
38 support and requires that the length of an award be for an indefinite period if the parties
39 have been married for more than 20 years. These provisions are also rebuttable
40 presumptions.

1 4. It clarifies how a rebuttable presumption may be rebutted and includes the
2 requirement that any finding of the court that rebuts a rebuttable presumption must be in
3 writing.

4 5. It allows for a court to award a 2nd spousal support award that will begin upon the
5 expiration of a child support obligation if a final divorce judgment includes both an award
6 of spousal support and a child support obligation that will expire within 3 years of the date
7 of that judgment.

8 6. It amends the list of factors that a court must consider under Title 19-A, section
9 951-A, subsection 5 to modify how the court must consider the tax implications of dividing
10 marital property and the effect of child support obligations.