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An Act Concerning the Automatic Dissolution of Certain Marriages

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 19-A, section 751, subsection 2 provides for the dissolution of a marriage when there is a final entry of a criminal judgment sentencing either spouse to a term of life imprisonment; and

Whereas, this practice is not followed by either the Department of Health and Human Services or the Department of Corrections; and

Whereas, some families do not want the marriage to be dissolved; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 19-A MRSA §751, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

§ 751. Certain marriages void without process

The following marriages are void and dissolved without legal process:

- 1. Solemnized in State.** A marriage prohibited in section 701, if solemnized in this State; ~~or,~~
- 2. Final judgment.** ~~A marriage when there is an entry of a final judgment sentencing either party to imprisonment for life.~~

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill repeals the Maine Revised Statutes, Title 19-A, section 751, subsection 2, which provides that a marriage is void and dissolved without legal process when there is a final entry of a criminal judgment sentencing either spouse to a term of life imprisonment.