

Date: January 21, 2026
To: Senator Carney, Representative Kuhn and the Distinguished Members of the Joint Standing Committee on Judiciary
From: Timothy E. Robbins, Esq., Scarborough, Maine
Re: Support for LD 2142, "An Act to Establish Guidance for Awarding General Spousal Support"

Senator Carney, Representative Kuhn, and Members of the Judiciary Committee:

My name is Timothy Robbins and I live in Scarborough. I am writing today to urge you to vote "Ought to Pass" on LD 2142, An Act to Establish Guidance for Awarding General Spousal Support." I have practiced law in Maine for 39 years. During this time, I have served as a family law attorney, guardian ad litem, mediator, referee, co-parent educator and program facilitator, non-profit executive, and CDVIP program facilitator. I also have the honor and privilege of serving on the Family Law Advisory Commission, being one of two members representing the interests of the public—the great citizens of the State of Maine. In these various roles, I have worked with hundreds of divorcing parties. While the law provides these litigants with guidance in many areas to help them navigate the complexities of the divorce process, the law provides little guidance as to spousal support. Indeed, many self-represented parties may not understand that "spousal support" and "alimony" are the same thing.

LD 2142 provides much needed guidance to the bench and bar, but most importantly to the public. As you can gather from both the proponents and the opponents of this Bill, the determination of a spousal support award can be incredibly complex. Some argue that this very complexity is a reason—if not THE reason—to oppose this legislation. To do so, however, maintains a system that shuts out many self-represented individuals (and historically women) to even considering whether they may be entitled to a just spousal support award. I believe that Maine's spousal support statute needs to be more inclusive and usable by all litigants, not just those who have resources necessary to afford legal counsel and accountants.

From my perspective, our judicial officers do extraordinary work every day to assure that all litigants leave the courtroom with a just result, but our Judges and Family Law Magistrates are similarly handcuffed without guidance from the law. Litigants every day are asked, "Do you understand that you are waiving your right to spousal support and that waiver cannot be undone?" The answer often is an unconvincing, "Yes" or "I guess so, what would my spousal support be?" The judicial officer then appropriately says, "I'm sorry, I cannot tell you", not because they are hiding the answer but genuinely have no guidance under the current statute to answer the question. The only way to even approach an answer is to go to trial. These same conversations are repeated in law offices, mediation rooms, and at settlement conferences. LD 2142 will provide much needed guidance to all—but particularly those without resources to afford legal assistance to unwrap the complexities of spousal support.

I would ask that the Committee consider the policy goals that I believe are furthered by LD 2142:

- **Predictability and Consistency:** The guidance will create a more predictable and consistent legal framework, allowing divorcing parties to better anticipate outcomes.
- **Reduced Litigation:** When outcomes are more predictable, there is less incentive to go to trial, which saves time and money for the parties and the judicial system in general.
- **Fairness and Equity:** The guidance will help ensure that similarly situated individuals are treated similarly, promoting a sense of fairness. It will also help to reduce the potential for perceived bias or arbitrariness in a judge's decision.
- **Efficiency:** The guidance introduces a simplified calculation process, making it more efficient for judges, attorneys, mediators, and parties. This should lead to faster resolution of cases.
- **Flexibility:** LD 2142 recognizes that one-size-fits-all formula is particularly ill-suited for marriages involving significant wealth, self-employment, or unusual financial and tax-related arrangements. By utilizing a rebuttable presumption, the proposal allows litigants in complex cases to tailor their spousal support requests while still utilizing the full range of factors currently embedded in the statute and existing case law.
- **Maintenance of Judicial Discretion:** The proposal maintains judicial discretion that Maine judge's exercise in making awards while still providing a predictable baseline or uniform starting point. The court's ability and obligation to weigh the factors at 19-A §951-A(5) remains intact. While there is a potential for the erosion of judicial discretion when the presumption is applied, the LD 2142 counters this risk by the requirement that all awards be supported by written findings. The writing requirement should also enhance parties' understanding of the application of this discretion.
- **Access to Justice for Self-Represented Litigants:** The complexity of the existing statute and the lack of guidance is a significant barrier for those who represent themselves in court. A clear, a numerical guideline would make it easier for self-represented litigants to understand their potential spousal support obligations or awards, improving access to justice.
- **Promoting Informed Consent:** The presumptive spousal support formula can be utilized as a foundational tool to ensure that any waiver of spousal support is made with true and informed consent especially since such a waiver is a significant and irrevocable decision.
- **Fidelity to Maine's Spousal Support Jurisprudence:** This policy avoids the wholesale adoption of an untested formula and instead integrates a new, easy-to-use tool into Maine's existing legal framework. This approach respects decades of established practice while addressing its present-day shortcomings.

As a practitioner with 39 years of experience, I have seen how our current lack of clear spousal support guidelines "handcuffs" judges and leaves self-represented litigants in the dark. LD 2142 fixes this by providing a predictable, numerical baseline that ensures fairness, promotes

informed consent, and makes the justice system accessible to all Mainers, regardless of their ability to afford an attorney.

Thank you for your time and for your service to the people of Maine. I would be happy to answer any questions the committee may have.

Sincerely,

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