

SUPREME JUDICIAL COURT OF MAINE

Mark Belliveau v. Janet Whelan

2019 ME 122 (2019) · No. Yor-18-509 · Decided July 30, 2019

SUMMARY

The Maine Supreme Judicial Court affirmed the dismissal of Mark Belliveau’s divorce complaint because he and Janet Whelan did not satisfy Maine’s statutory requirements for a valid marriage. The court declined to adopt either the putative spouse doctrine or marriage by estoppel, concluding that doing so would improperly intrude on the Legislature’s policy-making function and create uncertainty in Maine marriage law.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Jabar, J.; Saufley, C.J.; Alexander, J.; Mead, J.; Gorman, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	July 30, 2019
DOCKET	Yor-18-509
DISPOSITION	affirmed
PROCEDURAL POSTURE	Belliveau appealed from the District Court’s dismissal of his complaint for divorce on the ground that the parties were never legally married.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review; it reviews the District Court’s dismissal and the legal question whether the parties were legally married.
PRECEDENTIAL VALUE	precedential
PARTIES	Mark Belliveau v. Janet Whelan

TOPICS

marriage divorce family law procedure statutory interpretation legislative intent

PRACTICE AREAS

family law marriage divorce appellate procedure

QUESTIONS PRESENTED

1. Whether Maine should recognize the putative spouse doctrine to treat the parties as married despite their failure to satisfy statutory marriage requirements.
2. Whether Maine should recognize the doctrine of marriage by estoppel under the circumstances presented.
3. Whether the District Court properly dismissed the complaint for divorce because the parties were never legally married.

HOLDINGS

1. Maine does not recognize common-law marriage, and the court declined to adopt either the putative spouse doctrine or the doctrine of marriage by estoppel as an end-run around Maine's statutory requirements for a valid marriage.
2. The complaint for divorce was properly dismissed because Belliveau and Whelan were never legally married under Maine law.

KEY QUOTATIONS

“On this basis, we have declined to recognize common law marriage and have continuously left policy decisions regarding marriage and divorce to the Legislature.” (¶ 5)

“Because the adoption of either of these doctrines by us would be an infringement on the Legislature’s function and “would only introduce new uncertainties into our law,” we decline to do so.” (¶ 6)

FACTUAL BACKGROUND

In 1992, Belliveau and Whelan traveled to England to marry but were denied a marriage license because they did not meet the residency requirement. They nevertheless held a ceremony officiated by a friend who was not authorized to solemnize marriages, and they later held a reception in Maine without obtaining a Maine marriage license or taking other steps to create a valid marriage. For twenty-six years, they held themselves out as married, filed joint tax returns, signed insurance documents as spouses, and executed a property agreement referring to them as husband and wife.

PROCEDURAL HISTORY

Belliveau and Whelan participated in a wedding ceremony in England after being denied a marriage license because they did not satisfy the residency requirement. They did not obtain a marriage license in Maine or otherwise comply with Maine's marriage requirements. After Belliveau filed for divorce, Whelan sought dismissal, and the Biddeford District Court dismissed the complaint. Belliveau timely appealed, and the Supreme Judicial Court of Maine affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Patterson, 2004 ME 79, ¶ 13, 851 A.2d 521
- Pierce v. Sec'y of U.S. Dep't of Health, Educ. & Welfare, 254 A.2d 46, 47 (Me. 1969)
- Miliano v. Miliano, 2012 ME 100, ¶ 21, 50 A.3d 534
- Grishman v. Grishman, 407 A.2d 9, 12 (Me. 1979)
- Williams v. Williams, 97 P.3d 1124, 1126, 1128-29 (Nev. 2004)
- Lowenschuss v. Lowenschuss, 579 A.2d 377, 381-82, 386 (Pa. Super. Ct. 1990)
- Xiong v. Xiong, 648 N.W.2d 900, 905-06 (Wis. Ct. App. 2002)
- Martin v. Coleman, 19 S.W.3d 757, 760-61 (Tenn. 2000)
- Chrismond v. Chrismond, 52 So. 2d 624, 628-29 (Miss. 1951)
- Hill v. Bell, 747 S.E.2d 791, 791-93 (S.C. 2013)
- Watts v. Watts, 405 N.W.2d 303, 309 (Wis. 1987)
- Goldin v. Goldin, 426 A.2d 410, 412-13 (Md. Ct. Spec. App. 1981)

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