

STATE OF MAINE

SUPREME JUDICIAL COURT  
Sitting as the Law Court  
Docket No. Ken-14-456

ELISABETH M. KINNEY

v.

**ORDER TO DISCHARGE AS  
IMPROVIDENTLY GRANTED**

TANYA J. BUSCH

This matter comes before us pursuant to M.R. App. P. 24(a) and (c) on report from the Maine District Court (Augusta, *Stanfill, J.*). The reported question is as follows:

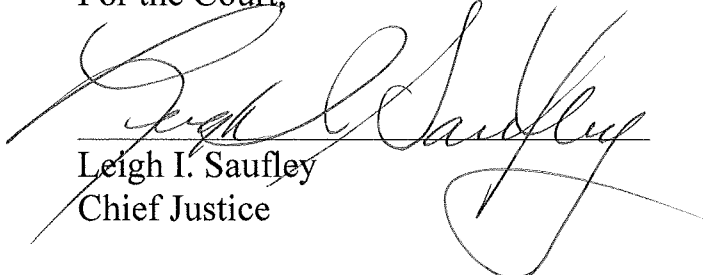
May property acquired between October 14, 2008, and December 29, 2012, by a same-sex couple married in the State of Massachusetts on October 14, 2008, be treated as marital property for the purposes of equitable division of property in a divorce action filed on January 18, 2013?

The trial court in this case has sufficient guidance before it to answer the reported question. *See* M.R. App. P. 24(a), (c); *Littlebrook Airpark Condo. Ass'n v. Sweet Peas, LLC*, 2013 ME 89, ¶ 10, 81 A.3d 348.<sup>1</sup>

It is therefore ORDERED that the report to the Court is discharged as improvidently granted.

Dated: October 13, 2015

For the Court,



Leigh I. Saufley  
Chief Justice

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<sup>1</sup> *See also Toussaint v. Perreault*, 388 A.2d 918, 920 (Me. 1978) (“[T]he question of law reported must be of sufficient importance *and doubt* to justify the report.”) (emphasis added); *Obergefell v. Hodges*, --- U.S. ---, 135 S. Ct. 2584, 2608 (2015) (“[T]here is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character.”).