STATE OF MAINE

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

ELISABETH M. KINNEY

v.

TANYA J. BUSCH

ORDER TO DISCHARGE AS IMPROVIDENTLY GRANTED

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:

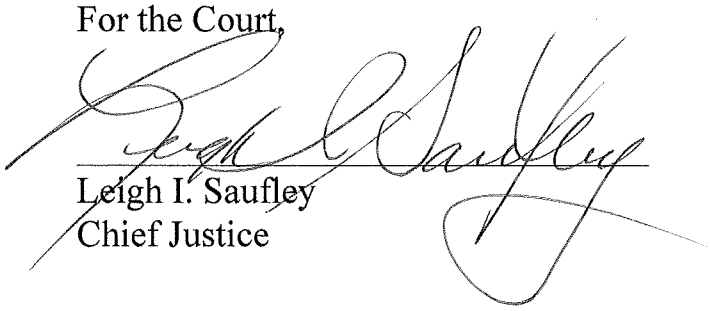
> May property acquired between October 14, 2008, and December 29, 2012, by a same-sex couple married in the State of Massachusetts on October 14, 2008, be treated as marital property for the purposes of equitable division of property in a divorce action filed on January 18, 2013?

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.[1]

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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[1] *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.").