

DANIEL R. BISSON

v.

MELISSA M. BISSON

Argued February 11, 2014
Decided February 25, 2014

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,
GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Daniel R. Bisson appeals from a divorce judgment entered in the District Court (Lewiston, *Oram, J.*) determining child support and dividing the parties' marital property.

Contrary to Daniel's contentions on appeal, the court did not err in determining the parties' respective incomes for purposes of calculating child support. See 19-A M.R.S. § 2001(5) (2013) (defining gross income, and permitting the court to include "the difference between the amount a party is earning and that party's earning capacity when the party voluntarily becomes or remains unemployed or underemployed"); *Dostanko v. Dostanko*, 2013 ME 47, ¶ 14, 65 A.3d 1271 ("We will uphold a court's finding of a party's gross income if record evidence supports the finding."). Nor did the court err or abuse its discretion in ordering a small downward deviation from the presumptive support amount, in light of the overall allocation of marital property and debt. See 19-A M.R.S. §§ 2005, 2007(1), (3)(C) (2013) (permitting deviation from the presumptive support amount where the presumptive amount would be "inequitable or unjust" in light of "[t]he interrelation of the total support obligation established under the support guidelines for child support, the division of property and an

award of spousal support made in the same proceeding”); *Akers v. Akers*, 2012 ME 75, ¶ 2, 44 A.3d 311 (“[W]e review an award of child support for an abuse of discretion. The trial court’s factual findings are reviewed for clear error.” (citation omitted)).

Finally, we discern no error or abuse of discretion in the court’s division of the marital property and debt. *See* 19-A M.R.S. § 953(1) (2013) (setting forth non-exclusive list of factors the court should consider in dividing marital property); *Bond v. Bond*, 2011 ME 54, ¶ 15, 17 A.3d 1219 (“When we review a divorce court’s property disposition, we review any factual findings for clear error. . . . The court’s determination of the equitable distribution of the property is reviewed for an abuse of discretion.”).

The entry is:

Judgment affirmed.

On the briefs and at oral argument:

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for appellant Daniel Bisson

Barbara L. Raimondi, Esq., Trafton & Matzen, LLP, Auburn, for appellee
Melissa M. Bisson