

SUSAN LEE SMART

v.

JON CLAUDE PINETTE

Argued March 3, 2020
Decided March 10, 2020

Panel: SAUFLEY, C.J., and MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and
CONNORS, JJ.

MEMORANDUM OF DECISION

Susan Lee Smart appeals from a divorce judgment entered by the District Court (Portland, *Cashman, J.*) dividing marital property and debt and awarding general spousal support. Contrary to Smart's contentions, the court's findings related to Jon Claude Pinette's income and earning potential did not constitute clear error, *see Sullivan v. George*, 2018 ME 115, ¶ 13, 191 A.3d 1168; *Violette v. Violette*, 2015 ME 97, ¶ 19, 120 A.3d 667, the evidence did not compel the court to find that Pinette had engaged in economic misconduct, *see Dickens v. Boddy*, 2015 ME 81, ¶ 12, 119 A.3d 722; *Quin v. Quinn*, 641 A.2d 180, 181-82 (Me. 1994), and the court's overall spousal support award did not constitute an abuse of discretion, *see* 19-A M.R.S. § 951-A(2)(A), (5) (2018); *Berntsen v. Berntsen*, 2017 ME 111, ¶¶ 20-21, 163 A.3d 820; *Carter v. Carter*, 2006 ME 68, ¶ 20, 900 A.2d 200. Nor did the court clearly err or abuse its discretion when it declined, on the record before it, to allocate a sum to Smart based on profits earned by the parties' businesses in 2018 as part of its equitable division of the marital property. *See* 19-A M.R.S. § 953(1) (2018); *Viola v. Viola*, 2015 ME 6, ¶ 9, 109 A.3d 634.

The entry is:

Judgment affirmed.

Susan Schultz McEvoy, Esq. (orally), Gorham, for appellant Susan Lee Smart

Karen Frink Wolf, Esq. (orally), and Jonathan M. Dunitz, Esq., Verrill Dana, LLP,
Portland, for appellee Jon Claude Pinette

Portland District Court docket number FM-2017-944
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