

STEVEN OWENS

v.

CYNTHIA M. OWENS

Submitted on Briefs June 27, 2002
Decided July 30, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA,
ALEXANDER, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Steven Owens appeals from a divorce judgment entered in the District Court (West Bath, *Westcott, J.*) ordering spousal support to Cynthia M. Owens of \$125 per week for nine years, and a lump sum payment of \$1,700 within 30 days to compensate her for expended marital property. Contrary to Steven's contentions, there is "rational [and] credible evidence in the record" supporting the judgment, *Sorey v. Sorey*, 1998 ME 217, ¶ 14, 718 A.2d 568, 571 (quoting *Knight v. Knight*, 680 A.2d 1035, 1037 (Me. 1996)); the court did not abuse its discretion in setting spousal support, *see Ramsdell v. Ramsdell*, 1997 ME 14, ¶ 6, 688 A.2d 918, 921 (recognizing a court is not bound by current earnings and may

consider what the spouse is “*able*” to earn based on experience and training); the court’s determination did not “violate[] a positive rule of law,” *Libby v. Libby*, 2001 ME 130, ¶ 8, 781 A.2d 773, 775 (quoting *Hedrich v. Hedrich*, 1998 ME 248, ¶ 2, 720 A.2d 1157, 1158), and the court’s factual findings did not demonstrate “clear error,” *Ketchum v. Ketchum*, 1998 ME 62, ¶ 3, 707 A.2d 803, 804.

The entry is:

Judgment affirmed.

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