

WAYNE DUBAY

v.

ANNE MARIE DUBAY

Submitted on Briefs February 26, 2003
Decided March 4, 2003

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

MEMORANDUM OF DECISION

Wayne Dubay appeals from a divorce judgment entered in District Court (Skowhegan, *Clapp, J.*), on remand, *see Dubay v. Dubay*, 2002 ME 100, 799 A.2d 1221, awarding spousal support to Anne Dubay. Contrary to Wayne's contentions, the court did not clearly err in its factual findings on remand, *see Macomber v. Macomber*, 2003 ME 1, ¶ 6, 814 A.2d 456, 457; the court did not impermissibly consider fault in awarding spousal support, *see Bell v. Bell*, 1997 ME 154, ¶ 2, 697 A.2d 835, 836; and the court did not abuse its discretion in determining that the presumption against spousal support for a marriage of less than ten years was rebutted because it would be inequitable or unjust to fail to award spousal support

to Anne, *see* 19-A M.R.S.A. § 951-A(2)(A) (Supp. 2002); *Libby v. Libby*, 2001 ME 130, ¶ 8, 781 A.2d 773, 775.

The entry is:

Judgment affirmed.

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