

STEVEN MACOMBER

v.

ROXANNE MACOMBER

Submitted on Briefs June 24, 2004  
Decided August 2, 2004

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

#### MEMORANDUM OF DECISION

Roxanne Macomber appeals from a divorce judgment entered in the District Court (Ellsworth, *Staples, J.*) following a remand from the Law Court, *Macomber v. Macomber*, 2003 ME 1, 814 A.2d 456. The judgment awarded the same amount of spousal support to Roxanne as the court had previously awarded in its original divorce judgment. Roxanne again contends that the court erred as a matter of law and abused its discretion by not including Steven Macomber's per diem payments in calculating his gross income for purposes of determining spousal support.

Contrary to Roxanne's contentions, the court did not err or exceed the scope of its discretion by concluding that Steven's "on the road" expenses far exceed his per diem reimbursements, and that there is no money remaining from the per diem reimbursements that can be applied to defray his personal living expenses. *See Macomber*, 2003 ME 1, ¶¶ 6-7, 814 A.2d at 457-58.

The entry is:

Judgment affirmed.

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