

ANTOINE D. BOIS

v.

PAMELA BOIS

Submitted on Briefs February 27, 2007
Decided March 27, 2007

Panel: CLIFFORD, ALEXANDER, CALKINS, LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

Antoine D. Bois appeals from a divorce judgment entered in the District Court (West Bath, *Field J.*), contending that the court erred in calculating the parties' earning capacities. Contrary to Antoine's contentions, there is competent evidence to support the court's determination of both his and Pamela Bois's respective earning capacities. *See Payne v. Payne*, 2006 ME 73, ¶ 7, 899 A.2d 793, 795. Because the court did not err in determining the parties' earning capacities, it did not abuse its discretion in using the parties' earning capacities in its disposition of the parties' marital property and award of child support, spousal

support, and attorney fees. *See id.*; *Long v. Long*, 1997 ME 171, ¶ 19, 697 A.2d 1317, 1324.

Having the power to dispose of the parties' property, the court acted within its discretion in ordering the parties to file a joint tax return so they would share equally in any tax refund or deficiency. *See* 19-A M.R.S. § 953 (2006); *Long*, 1997 ME 171, ¶ 19, 697 A.2d at 1324.

The entry is:

Judgment affirmed.

Attorney for plaintiff:

Thaddeus V. Day, Esq.
440 Walnut Hill Road
North Yarmouth, ME 04097

Attorney for defendant:

David J. Van Baars, Esq.
677 Roosevelt Trail
Windham, ME 04062