

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1976.

Approved May 4, 1976.

CHAPTER 440

(House Bill 829)

AN ACT concerning

Sex Discrimination - Alimony, Alimony Pendente Lite, and Counsel Fees

FOR the purpose of extending the provisions for alimony, alimony pendente lite, and counsel fees to both sexes; and generally clarifying the language of those provisions.

BY repealing and reenacting, with amendments,

Article 16 - Chancery
Section 5
Annotated Code of Maryland
(1973 Replacement Volume and 1975 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 5 of Article 16 - Chancery, of the Annotated Code of Maryland (1973 Replacement Volume and 1975 Supplement) be and it is hereby repealed and reenacted, with amendments, to read as follows:

Article 16 - Chancery

5.

(a) [In all cases where alimony or alimony pendente lite and counsel fees are claimed, the] ~~[[A]] In all cases where alimony or alimony pendente lite and counsel fees are claimed, the~~ court [shall] MAY not award [such] alimony, ALIMONY PENDENTE LITE, or counsel fees ~~[[THAT ARE CLAIMED]]~~ unless it [shall appear] APPEARS from the evidence that the [wife's] SPOUSE'S income ~~[[OF THE CLAIMING SPOUSE]]~~ is insufficient to care for HIS OR her needs.

(b) [In all cases where] IF a decree of the court is silent as to alimony [,] or [where a decree of the court] reserves alimony, [it shall be within the sole discretion of] the court that issued [such] THE decree HAS SOLE DISCRETION as to whether OR NOT alimony pendente lite on appeal shall be granted.