

(3) Regulations of the Commissioner issued pursuant to subsection (a) (1) of this section shall be made only after publication and public hearings by the Commissioner, at which hearing any person may be heard.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved April 26, 1973.

CHAPTER 95

(Senate Bill 646)

AN ACT to repeal and re-enact, with amendments, Section 25 of Article 16 of the Annotated Code of Maryland (1966 Replacement Volume), title "Chancery," subtitle "Divorce and Annulment," to provide that voluntarily living separate and apart by husband and wife is cause for divorce a mensa et thoro.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 25 of Article 16 of the Annotated Code of Maryland (1966 Replacement Volume), title "Chancery," subtitle "Divorce and Annulment," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

25.

Divorces a mensa et thoro may be decreed for the following causes, to wit: First, cruelty of treatment; secondly, excessively vicious conduct; thirdly, abandonment and desertion; **FOURTHLY, THE VOLUNTARY LIVING SEPARATE AND APART OF HUSBAND AND WIFE, WITHOUT COHABITATION, WHEN SUCH SEPARATION IS BEYOND ANY REASONABLE EXPECTATION OF RECONCILIATION;** and the court may decree such divorces forever, or for a limited time; and in all cases where divorce a mensa et thoro is decreed it may be revoked at any time thereafter by the court granting the same, upon the joint application of the parties to be discharged from the operation of the decree; and the court may decree a divorce a mensa et thoro in cases where a divorce a vinculo matrimonii is prayed, if the causes proved be sufficient to entitle the party to the same; and in all cases where a divorce is decreed, the court passing the same shall have full power to award to the wife such property or estate as she had when married, or the value of the same, or of such part thereof as may have been sold or converted by the husband, having regard to the circumstances of the husband at the time of the divorce, or such part of any such property as the court may deem reasonable; and shall also have power in all cases in which the care and custody of the children of parties forms part of the relief prayed whether a divorce is decreed or denied to order and direct who shall have the guardianship and custody of the children pendente lite or permanently, and be charged with their support and maintenance and may at any time thereafter annul, vary or modify such order in relation to the children.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved April 26, 1973.
