

MAINE STATE LEGISLATURE

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October 26, 1959

Governor Clinton A. Clauson

Executive

James G. Frost, Deputy Atty. Gen.

Attorney General

Extradition of Edgar B. Pert

On February 1, 1959, the Governor of Maine received a request from the Governor of Massachusetts for the extradition of Edgar B. Pert, the said Pert being charged with the crime of unreasonably neglecting to provide for the support of his wife and minor child.

Ordinarily, such a request would be denied in view of the existence of the Uniform Reciprocal Support of Dependents Act. However, under the policy established by the Governor of this State in uniformity with similar policies established by the Governors of other States, such request will not be denied if sufficient evidence is shown revealing that the Support Act has been used, but has proved not to be effective in the particular case.

In the case of Mr. Pert, the Massachusetts authorities started an action under the Uniform Support Law, and a fifteen dollar (\$15.00) a week support order was issued from the Waldo County Superior Court (Maine Court) on January 24, 1958.

Mr. Pert has failed to pay any money on this court order. In May of 1958, an execution was issued against the body of Mr. Pert for the money that he owed, but he still has failed to pay.

On February 18, 1959, the Governor received a request from Hon. Clyde R. Chapman, counsel for Mr. Pert, for a hearing at which time Mr. Chapman was to oppose extradition.

Accordingly, a hearing was scheduled for March 2, 1959, at 10:00 A.M.

At the hearing it appeared that the main trouble revolved around the difficulty encountered by Mr. Pert in seeking to obtain a divorce. On several occasions he attempted to have a divorce libel served upon his wife in Massachusetts, and in each instance the Massachusetts authority to whom the paper was sent for service, returned the same without service.

One such request for service certainly directed the serving officer to the proper address.

While no service was made, it appears that a Massachusetts lawyer for Mrs. Pert was aware of the attempts for service, because that lawyer wrote to counsel for Mr. Pert asking for particulars.

October 26, 1959

It was the County Attorney's thought (Waldo County of Maine) that all such difficulties could be erased if the matter could be terminated by a divorce proceeding. All parties now know of the correct address of the wife.

It appeared clear that certain officers in Massachusetts were refusing to cooperate to permit Mr. Pert to settle the matter in Maine. It was also clear that because of this difficulty Mr. Pert was refusing to abide by a proper Maine court order.

With such facts on both sides of the case, a request for more time to investigate, on behalf of attorney for Mr. Pert and the County Attorney, was granted.

Seven months have now passed. Such time would appear to be adequate if steps were to be taken to straighten out the affairs at the October term of the Waldo County Superior Court. (Waldo County has only three terms of court annually - January, April and October.)

No divorce libel was scheduled for the October term. Pert has not been prosecuted for his failure to comply with the order of the court of the State of Maine, and the Massachusetts authorities still seek the return of Mr. Pert to that commonwealth.

All the circumstances surrounding Mr. Pert's troubles could have been related, and may have been related, to our Maine court at the time support money was requested by Mrs. Pert.

At any rate, the Waldo Superior Court ordered Mr. Pert to pay support money for his children in Massachusetts. He has failed to comply with that court order.

It is our recommendation to you, under the provisions of Chapter 152, section 4, R. S. 1954, that you honor the request of the Governor of the Commonwealth of Massachusetts and issue your warrant for the arrest of Mr. Pert.

JGF:GBH

James Glynn Frost
Deputy Attorney General