

MAINE STATE LEGISLATURE

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O N E - H U N D R E D T H L E G I S L A T U R E

Legislative Document

No. 84

H. P. 43

Office of the Clerk of the House

Filed December 28, 1960 under Joint Rule 19A by Mr. Nadeau of Biddeford. To be printed and delivered to the House of Representatives of the 100th Legislature.

HARVEY R. PEASE, Clerk

Presented by Mr. Nadeau of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

RESOLVE, In Favor of Elude Cantara of Biddeford.

Elude Cantara; reimbursed. Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of \$5,000 to be paid to Elude Cantara, a/k/a John Elude Cantara of Biddeford, Maine, to reimburse him for money paid by him to the State of Maine for the support of a grandchild under an erroneous decree and order issued by the municipal court of the City of Biddeford, within and for the County of York and State of Maine, at the request of the Maine State Department of Health and Welfare, and for illegal arrest and incarceration in the county jail in and for the County of York.

STATEMENT OF FACTS

On June 20, 1941, the Municipal Court of the City of Biddeford, ordered John E. Cantara, as grandfather, to pay to the Maine State Department of Health and Welfare the sum of \$5 a week for the support of his grandchild, Arlene Cantara, whose true and correct birth name was and is Mary Therese Arline Cantara, said decree and order having been illegally made contrary to the public laws of Maine, 1939, chapter 244, section 204, which requires a parent only to support his children, there not being then or now any law requiring a grandparent to support a grandchild.

The true facts of the case were that the said Arlene Cantara was the child of Aline Cantara, a daughter, and that said John E. Cantara was under no legal obligation to support said grandchild, although in fact, said grandchild was being supported by him in his home.

At the time the aforementioned proceedings were instituted, John E. Cantara did not have any counsel, was not aware of his rights, and pursuant to the decree and order by the court, paid to the State of Maine the sum of \$3,903.50, both as a civilian and while a member of the United States Army.

On February 28, 1959, not having abided by the terms of this order, he was arrested and imprisoned in the York County Jail at Alfred, Maine, and on March 20, 1959, on a petition of habeas corpus, was discharged by the Superior Court in and for the County of York.

Inasmuch as John E. Cantara paid the State of Maine over a period of years under an erroneous and illegal decree and order, he now requests a refund of the sum of \$3,903.50 paid by him to the State of Maine, together with a reasonable sum for the irreparable harm and injury done to him when he was illegally imprisoned for a period of 21 days in the County Jail at Alfred, Maine, and for the time he lost in employment while so illegally jailed.