

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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Legislative Document

No. 1164

S. P. 472

In Senate, March 1, 1967

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Harding of Aroostook.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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AN ACT Creating the Uniform Act on Paternity.

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., T. 19, c. 5, sub-c. III, additional.** Chapter 5 of Title 19 of the Revised Statutes is amended by adding a new subchapter III, to read as follows:

SUBCHAPTER III

PATERNITY

§ 271. Obligations of the father

The father of a child which is or may be born out of wedlock is liable to the same extent as the father of a child born in wedlock, whether or not the child is born alive, for the reasonable expense of the mother's pregnancy and confinement and for the education, necessary support and funeral expenses of the child. A child born out of wedlock includes a child born to a married woman by a man other than her husband.

§ 272. Enforcement

Paternity may be determined upon the complaint of the mother, child or the public authority chargeable by law with the support of the child. If paternity has been determined or has been acknowledged according to the laws of this State, the liabilities of the father may be enforced in the same or other proceedings by the mother, child or the public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support or funeral expenses, and by other persons including private

agencies to the extent that they have furnished the reasonable expenses of pregnancy, confinement, education, necessary support or funeral expenses.

In execution of the powers given the court under this subchapter, the court may employ any compulsory process which it deems proper, by execution, attachment or other effectual form, on which costs shall be taxed as in other actions.

§ 273. Limitation on recovery from the father

The father's liabilities for past education and necessary support are limited to a period of 6 years next preceding the commencement of an action.

§ 274. Limitations on recovery from father's estate

The obligation of the estate of the father for liabilities under this subchapter are limited to amounts accrued prior to his death and such sums as may be payable for dependency under other laws.

§ 275. Remedies

The Superior or District Court has jurisdiction of an action under this subchapter and all remedies for the enforcement of judgments for expenses of pregnancy and confinement for a wife or for education, necessary support or funeral expenses for legitimate children apply. The court has continuing jurisdiction to modify or revoke a judgment for future education and necessary support. All remedies under the Uniform Reciprocal Enforcement of Support Act are available for enforcement of duties of support under this subchapter.

§ 276. Time of trial

If the issue of paternity is raised in an action commenced during the pregnancy of the mother, the trial shall not, without the consent of the alleged father, be held until after the birth or miscarriage.

Nothing in this subchapter shall be construed to deny either party a trial by jury on the issue of paternity.

§ 277. Authority for blood tests

The court, upon its own initiative or upon suggestion made by or on behalf of any person whose blood is involved or the mother may, or upon motion of any party to the action made at a time so as not to delay the proceedings unduly, shall order the mother, child and alleged father to submit to blood tests. If any party refuses to submit to such tests, the court may resolve the question of paternity against such party or enforce its order if the rights of others and the interests of justice so require.

§ 278. Selection of experts

The tests shall be made by experts qualified as examiners of blood types who shall be appointed by the court. The experts shall be called by the court as witnesses to testify to their findings and shall be subject to cross-examination by the parties. Any party or person at whose suggestion the tests have been ordered may demand that other experts, qualified as examiners of blood types,

perform independent tests under order of court, the results of which may be offered in evidence. The number and qualifications of such experts shall be determined by the court.

#### § 279. Compensation of expert witnesses

The compensation of each expert witness appointed by the court shall be fixed at a reasonable amount. It shall be paid as the court shall order. The court may order that it be paid by the parties in such proportions and at such times as it shall prescribe, and that, after payment by the parties, all or part or none of it be taxed as costs in the action. The fee of an expert witness called by a party but not appointed by the court shall be paid by the party calling him but shall not be taxed as costs in the action.

#### § 280. Effect of test results

If the court finds that the conclusions of all the experts, as disclosed by the evidence based upon the tests, are that the alleged father is not the father of the child, the question of paternity shall be resolved accordingly. If the experts disagree in their findings or conclusions, the question shall be submitted upon all the evidence. If the experts conclude that the blood tests show the possibility of the alleged father's paternity, admission of this evidence is within the discretion of the court, depending upon the infrequency of the blood type.

#### § 281. Judgment

Judgments under this subchapter may be for periodic payments which may vary in amount. The court may order payments to be made to the mother or to some person, corporation or agency designated to administer them under the supervision of the court.

#### § 282. Security

The court may require the alleged father to give bond or other security for the payment of the judgment.

#### § 283. Settlement agreements

An agreement of settlement with the alleged father is binding only when approved by the court.

#### § 284. Venue

An action under this subchapter may be brought in the county or district where the alleged father is present or has property or in the county or district where the mother or child resides.

#### § 285. Uniformity of interpretation

This subchapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

#### § 286. Additional remedy

The remedies provided by this subchapter shall be in addition to those remedies provided by subchapter II.

§ 287. **Rules of civil procedure**

The rules of civil procedure as far as applicable shall apply to this subchapter.

§ 288. **Short title**

This subchapter may be cited as the **Uniform Act on Paternity**.

**Sec. 2. Operation.** This Act applies to all cases of birth out of wedlock as defined in this Act where birth occurs after the effective date of this Act.