

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 316

S. P. 102

In Sente, January 23, 1969

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

JERROLD B. SPEERS, Secretary

Presented by Senator Mills of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Revising Criminal Failure to Support Minor Children.

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

Sec. 1. R. S., T. 19, § 481, repealed and replaced. Section 481 of Title 19 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 481. Criminal failure to support dependents; penalties; conditions

Whoever, being able by means of his or her property or capacity for labor to provide for the necessary support and maintenance of his or her minor child or children under the age of 18 years, without lawful excuse willfully neglects or refuses to provide such support and maintenance, and such neglect or refusal results in such child or children being in destitute or necessitous circumstances, or whoever without lawful excuse, being able by means of his or her property or capacity for labor, willfully neglects or refuses to comply with any existing order made by any court in this or another state pertaining to the support of a minor child or children, which order is in full force and effect, and such neglect or refusal results in said child or children being in destitute or necessitous circumstances, is guilty of failure to support minor children. Any person convicted of this offense, when it is not of a high and aggravated nature, shall be punished by a fine of not more than \$300 or by imprisonment for not more than 11 months, or by both. When the offense is of a high and aggravated nature, the person convicted of such an offense shall be punished by a fine of not more than \$500 or by imprisonment for not more than 2 years, or by both. After conviction, if the court in its discretion either continues the case for sentencing or imposes punishment as provided and suspends its execution, and places the defendant on probation for a specified period of time, as a condition of the defendant's probation, the court may

make an order which shall be subject to change by the court from time to time as circumstances may require, directing the defendant to pay to the mother or to the custodian or guardian or to the Department of Health and Welfare for the use of such child or children a certain sum of money weekly. Such an order issued as a condition of probation shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both. When the defendant is released from custody on probation, the court in its discretion may order said defendant to enter into recognizance with sureties in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within said period, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise in full force and effect.

The furnishing of aid by any municipality within the State or by the Department of Health and Welfare to or on behalf of any such child or children shall be prima facie evidence of the destitute or necessitous circumstances of such child or children. Courts having jurisdiction in the places of residence of any such child or children or of the responsible parent shall have jurisdiction of the subject matter.

Sec. 2. R. S. T. 19, §§ 482, 484, and 485, repealed. Sections 482, 484 and 485 of Title 19 of the Revised Statutes are repealed.