

MAINE STATE LEGISLATURE

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(New Title)
New Draft of H. P. 910, L. D. 1255

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1812

H. P. 1390

House of Representatives, June 7, 1971

Reported by Mr. Carrier from Committee on Judiciary. Printed under
Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT to Provide an Alternative Method of Enforcing Orders of
Support of Minor Children.**

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

Sec. 1. R. S., T. 14, § 252, amended. The first sentence of section 252 of Title 14 of the Revised Statutes is amended to read as follows :

Whenever a party complains in writing and under oath that the process, decree or order of court **and including an order for support of minor children**, but which is not **otherwise** for the payment of money only, has been disregarded or disobeyed by any person, summary process shall issue by order of any justice, requiring such person to appear on a day certain and show cause why he should not be adjudged guilty of contempt.

Sec. 2. R. S., T. 19, § 272, amended. The last paragraph of section 272 of Title 19 of the Revised Statutes, as enacted by section 2 of chapter 325 of the public laws of 1967, is as amended to read as follows :

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 **including a finding of contempt**, on which costs shall be taxed as in other actions.

Sec. 3. R. S., T. 19, § 301, amended. The first and 3rd sentences of section 301 of Title 19 of the Revised Statutes are amended to read as follows :

Whenever a man, having a wife, a minor child or children, residing in this State and being of sufficient ability or being able to labor and provide for

them, willfully and without reasonable cause, refuses or neglects to provide suitable maintenance for them, the Superior Court, the probate court and the District Court in the county where the wife or such minor child or children reside, or in the county where the husband or father may be found on petition of the wife for herself and for such child or children, or of such child or children by their guardian or by the municipality that is providing suitable maintenance, after such notice to the husband or father as it may order, and hearing, may order him to contribute to the support of his wife and such minor child or children or either of them such sums payable weekly, monthly or quarterly as are deemed reasonable and just, and may enforce obedience by appropriate decrees, including a finding of contempt.

Execution may issue for said sums when payable, and for costs, or the husband or father may be adjudged in contempt and when the husband or father is committed to jail on execution or contempt the county having jurisdiction of the process shall bear the expense of his support.

Sec. 4. R. S., T. 19, § 752, amended. The 2nd and 3rd sentences of the first paragraph of section 752 of Title 19 of the Revised Statutes are amended to read as follows:

It may alter its order concerning the care, custody and support of the minor children from time to time as circumstances require, whether or not either parent be then living, upon motion of either party, such society or institution as aforesaid, the State Department of Health and Welfare, any 3rd person to whom care or custody has been granted, any blood relative or any person standing in loco parentis to said minor children; change the name of the wife, at her request; and in execution of the powers given it under this Title may employ any compulsory process which it deems proper, by execution, attachment or other effectual form, including an action for contempt on which costs shall be taxed as in other actions.

In all proceedings under this Title where the husband is committed to jail on any execution issued upon order for alimony, or for payment of money instead thereof, or is committed to jail on any execution or finding of contempt for the support of the minor children of the parties, the county having jurisdiction of the proceedings shall bear the expense of his commitment and support in jail.

Sec. 5. R. S., T. 22, § 3754, amended. The last 3 sentences of the 2nd paragraph of section 3754 of Title 22 of the Revised Statutes, as enacted by chapter 131 of the public laws of 1965, are amended to read as follows:

The court may order either the father or the mother or both parents of such child to contribute to the support of such child such sums payable weekly or monthly as are deemed reasonable and just and may enforce obedience by appropriate decrees ~~execution issuing for said sums when payable and including an action for contempt.~~

When the defendant is committed to jail on execution or a finding or contempt under this section, the county having jurisdiction of the process shall

bear the expense of his commitment and support, and he shall not be entitled to relief therefrom under Title 14, chapters 503 and 505.

He may petition the court issuing such execution **or making such finding of contempt** for relief, whereupon the judge of such court after due notice to the department, and hearing thereon, may order his discharge from imprisonment on such terms and conditions as justice may require.

Sec. 6. R. S., T. 22, § 3792, amended. The next to the last sentence of the 2nd paragraph of section 3792 of Title 22 of the Revised Statutes, as repealed and replaced by section 1 of chapter 159 of the public laws of 1967, is amended to read as follows:

When any child has been committed into the custody of the department or into the custody of any suitable person under this section, the court may order the parent of such child to contribute to the support of his or her minor child such sums payable weekly, monthly or quarterly as deemed reasonable and just, and may enforce obedience by appropriate decrees, **including a finding of contempt for failure to make such contributions.**

Sec. 7. R. S., T. 22, § 3792, amended. The last paragraph of section 3792 of Title 22 of the Revised Statutes, as repealed and replaced by section 1 of chapter 159 of the public laws of 1967, is amended to read as follows:

When a parent is committed to jail on execution **or a finding of contempt** issued under a decree of support under this section, the county having jurisdiction of the process shall bear the expense of his support and commitment, **and if he has been committed to jail on execution** he may be discharged from imprisonment by the payment of the execution and all costs and expenses of his commitment and support, and he shall not be entitled to relief therefrom under Title 14, chapters 503 and 505. He may petition the court issuing the execution **or making the finding of contempt** for relief, whereupon a judge of such court, after due notice to the department or person to whom support is payable, and hearing thereon, may order his discharge from imprisonment on such terms and conditions as justice may require.