

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 474

H. P. 359

House of Representatives, January 30, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Faucher of Solon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Criminal Contempt for Failure to Pay Alimony and Support of Children.

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

Sec. 1. R. S., T. 19, § 722, amended. The 4th, 5th and 6th sentences of section 722 of Title 19 of the Revised Statutes, as amended by section 5 of chapter 408 of the public laws of 1971, are repealed and the following enacted in place thereof:

At the time of making a final decree in any divorce action, the court may order that execution and such reasonable attorney's fee as the court shall order shall issue against the body of any party to the action charged with the payment of support of minor children or payments of alimony or a specific sum in lieu thereof, upon default of any payment, the court shall enforce said payment by criminal contempt and order that the clerk of said court shall issue execution in sum due. When the husband or father is committed to jail, having been found in criminal contempt of any payment due upon decree of alimony, or for payment of money instead thereof, or for the support of his minor children, or for support pending the divorce action, or for payment of counsel fees, the county having jurisdiction of the process shall bear the expense of his support and commitment. The court, upon finding a husband, ex-husband or father in contempt of its order shall impose the following sentences: For the first offense, 10-day commitment to the county jail; for the 2nd offense, 30-day commitment to the county jail and for any subsequent offense, 90-day commitment to the county jail. Failure to pay any payment ordered for the support of minor children or payments of alimony or reasonable attorney's fees by the husband, ex-husband or father, shall be deemed a criminal contempt if said husband, ex-husband or father

had the ability to pay said payment at the time it was due. He may petition the court issuing such execution for relief, whereupon a judge of such court, after due notice to the wife or mother, and hearing thereon, may order his discharge from imprisonment on such terms and conditions as justice may require. Counsel fees awarded in the nature of support to the wife may be made payable forthwith, or in weekly or monthly installments all as the judge may see fit in the premises.

STATEMENT OF FACT

This bill would allow the State of Maine courts to hear motions brought by complaining mothers in the nature of a contempt proceeding due to lack of payment of support by a father, husband or ex-husband when said man has the ability to pay.