

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

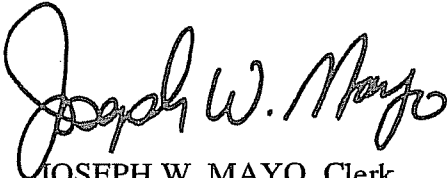
No. 514

H.P. 401

House of Representatives, February 16, 1993

An Act to Strengthen the State's Support Laws.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MICHAEL of Auburn.
Cosponsored by Representative KUTASI of Bridgton and
Representatives: BARTH of Bethel, CAMERON of Rumford, COFFMAN of Old Town,
DONNELLY of Presque Isle, DORE of Auburn, FITZPATRICK of Durham, HOGLUND of
Portland, LEMONT of Kittery, TOWNSEND of Eastport, TRUE of Fryeburg, TUFTS of
Stockton Springs, Senator: TITCOMB of Cumberland.

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

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3 Sec. 1. 19 MRSA §481, first ¶, as amended by PL 1989, c. 834,
4 Pt. B, §8, is further amended to read:

6 Any person who is able by means of property or capacity for
7 labor to provide for the necessary support and maintenance of
8 that person's minor child or children under the age of 18 years
9 and who, without lawful excuse, willfully neglects or refuses to
10 provide that support and maintenance, ~~and the neglect or refusal~~
11 ~~results in the child or children being in destitute or~~
12 ~~necessitous circumstances,~~ is guilty of failure to support minor
13 children. Any person who, without lawful excuse, is able by
14 means of property or capacity for labor to provide for the
15 necessary support and maintenance of that person's minor child or
16 children under the age of 18 years, and who willfully neglects or
17 refuses to comply with any existing order in effect made by any
18 court in this or another state pertaining to the support of a
19 minor child or children, ~~which order is in full force and effect,~~
20 ~~and the neglect or refusal results in the child or children being~~
21 ~~in destitute or necessitous circumstances,~~ is guilty of failure
22 to support minor children. Any person convicted of this offense,
23 when it is not of a high and aggravated nature, must be punished
24 by a fine of not more than \$300 or by imprisonment for not more
25 than 11 months, or by both. When the offense is of a high and
26 aggravated nature, the person convicted of such an offense must
27 be punished by a fine of not more than \$500 or by imprisonment
28 for not more than 2 years, or by both. After conviction, if the
29 court in its discretion either continues the case for sentencing
30 or imposes punishment as provided and suspends its execution, the
31 court may place the defendant on probation to the Department of
32 Human Services for a specified period of time but in no case may
33 that period extend beyond the time when the youngest child
34 attains the age of 18 years. As a condition of the defendant's
35 probation, the court may make an order, subject to change by the
36 court from time to time as circumstances may require, directing
37 the defendant to pay to the Department of Human Services for the
38 use of the child or children a certain sum of money weekly. A
39 determination or modification of child support under this section
40 must comply with subchapter I-A. Such an order issued as a
41 condition of probation does not supersede any previous order of
42 support issued in a divorce or separate maintenance action, but
43 the amounts for a particular period paid pursuant to either order
44 must be credited against amounts accruing or accrued for the same
45 period under both. Violation of such that probation must be
46 dealt with in the same manner as provided in Title 17-A, sections
47 1205 and 1206, and discharge from probation may be obtained in
48 the same manner as provided in Title 17-A, section 1202. When
49 the defendant is released from custody on probation, the court in
50 its discretion may order the defendant to enter into recognizance

2 with sureties in such sum as the court may direct. The condition
of the recognizance must be such that if the defendant makes a
4 personal appearance in court whenever ordered to do so within the
appropriate period, and further complies with the terms of the
6 order and of any subsequent modification of the order, then the
recognizance is void, otherwise the recognizance is in full force
and effect.

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STATEMENT OF FACT

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This bill amends the criminal nonsupport of dependents laws
by eliminating the requirement that the nonsupport result in the
14 destitution of the dependents.

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