

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

SENATE.

No. 130

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to prevent desertion and non support of families.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. Any person who shall without lawful excuse
2 desert his wife when such wife is in destitute or necessitous
3 circumstances, or any person who being able by means of his
4 property or labor to provide for the necessary support and
5 maintenance of his wife, shall wilfully neglect or refuse to
6 provide such support and maintenance when such wife is in
7 destitute or necessitous circumstances, or any person who
8 shall without lawful excuse desert his or her minor child
9 or children under the age of sixteen years, when such child
10 or children are in such circumstances, or who being able by

11 means of his or her property or labor to provide for the nec-
12 essary support and maintenance of his or her minor child or
13 children under said age, shall wilfully neglect or refuse to
14 provide such support and maintenance when such child or
15 children are in destitute or necessitous circumstances, shall
16 be deemed guilty of a misdemeanor, and on conviction thereof
17 shall be punished by a fine of not more than five hundred dol-
18 lars or by imprisonment with or without hard labor for not
19 more than six months, or by both such fine and imprison-
20 ment; and should a fine be imposed it may be directed by
21 the court to be paid in whole or in part to the wife or to the
22 guardian or custodian of the minor child or children; pro-
23 vided that before the trial, with the consent of the defend-
24 ant, or after conviction, instead of imposing the punishment
25 hereinbefore provided, or in addition thereto, the court in its
26 discretion, having regard to the circumstances and to the
27 financial ability or earning capacity of the defendant, shall
28 have the power to make an order, which shall be subject to
29 change by it from time to time as circumstances may require,
30 directing the defendant to pay a certain sum weekly for the
31 space of one year to the wife, or to the guardian or custodian
32 of the minor child or children, or to an organization or
33 individual approved by the court, as trustee, and to release
34 the defendant from custody on probation for the space of
35 one year upon his or her entering into a recognizance, with
36 sureties or surety where such can be furnished, otherwise
37 without sureties, in such sum as the court may direct. The

38 condition of the recognizance shall be such that if the defend-
39 ant shall make his or her personal appearance in court
40 whenever ordered to do so within the year, and shall further
41 comply with the terms of the order and of any subsequent
42 modification thereof, then the recognizance shall be void,
43 otherwise of full force and effect.

If the court shall be satisfied by information and due proof,
45 under oath, that at any time during the year the defendant
46 has violated the terms of such order, it may forthwith pro-
47 ceed with the trial of the defendant under the original indict-
48 ment, or sentence him under the original conviction, or
49 enforce the original sentence, as the case may be. In case
50 of forfeiture of a recognizance, and enforcement thereof by
51 execution, the sum recovered may, in the discretion of the
52 court, be paid in whole or in part to the wife or to the guard-
53 ian or custodian of the minor child or children.

Sect. 2. When any person is sentenced to hard labor and
2 actually employed in such labor in the county jail on account
3 of any sentence imposed under this act, it shall be the duty
4 of the keeper of said jail to certify at the end of each week
5 to the county commissioners the number of days during
6 which such persons shall have been actually employed in said
7 jail as aforesaid, and the county commissioners shall there-
8 upon draw their order upon the county treasurer for a sum
9 equal to fifty cents for each day's hard labor so performed
10 by such person and the same shall thereupon be paid forth-
11 with by the county treasurer to the wife of such person or

12 to the guardian or custodian of his or her minor child or
13 children, or to any organization or individual as trustee
14 which shall be approved by the court imposing such sentence.

Sect. 3. All fines or penalties provided for by the terms
2 of this act may be recovered or enforced by complaint or
3 indictment and in all prosecutions under this chapter and any
4 amendments and additions thereto, judges of municipal courts
5 and police courts within their respective counties shall have
6 original and concurrent jurisdiction with the superior and
7 supreme judicial courts.

Sect. 4. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE. February 21, 1907.

Reported by Mr. CLARKE from Committee on Legal Affairs, and laid
on table to be printed under joint rules.

F. G. FARRINGTON. *Secretary.*