

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 214

House of Representatives, Feb. 9, 1917.

Referred to Committee on Legal Affairs and five hundred copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Anderson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT to amend Section thirty-eight of Chapter one hundred and twenty, Revised Statutes of nineteen hundred and sixteen relating to desertion and non-support of families.

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

Section thirty-eight of Chapter one hundred and twenty-
2 Revised Statutes of nineteen hundred and sixteen is hereby
3 amended by striking out in the eleventh and twelfth lines
4 thereof the words: "shall be deemed guilty of felony," so
5 that said section as amended shall read as follows:

Whoever shall without lawful excuse desert his wife,

2 when such wife is in destitute or necessitous circumstances
3 or being able by means of his property or labor to provide
4 for the necessary support and maintenance of his wife, shall
5 without lawful excuse, wilfully neglect or refuse to pro-
6 vide such support or maintenance, when such wife is in
7 destitute or necessitous circumstances, or whoever shall with-
8 out lawful excuse desert his or her minor child or children
9 under the age of sixteen years, or being able by means of
10 his or her property or labor to provide for the necessary
11 support and maintenance of his or her minor child or
12 children under said age, shall wilfully neglect or refuse to
13 provide such support and maintenance when such child or
14 children are in destitute or necessitous circumstances, on
15 conviction thereof shall be punished by a fine of not more
16 than five hundred dollars or by imprisonment with or with-
17 out hard labor for not more than two years, or by both
18 such fine and imprisonment; and if a fine is imposed the
19 court may direct that it be paid in whole or in part to the
20 wife or to the guardian or custodian of the minor child or
21 children; provided, that before the trial, with the consent
22 of the defendant, or after conviction, instead of imposing
23 the punishment hereinbefore provided, or in addition
24 thereto, the court in its discretion having regard to the cir-
25 cumstances and to the financial ability or earning capacity
26 of the defendant, may make an order which shall be sub-
27 ject to change by it from time to time as circumstances
28 may require, directing the defendant to pay a certain sum

29 weekly for the space of one year to the wife, or to the
30 guardian or custodian of the minor child or children, or
31 to an organization or individual approved by the court as
32 trustee, and to release the defendant from custody on pro-
33 bation for the space of one year upon his or her entering
34 into a recognizance, with sureties in such sum as the court
35 may direct. The condition of the recognizance shall be
36 such that if the defendant shall make his or her personal
37 appearance in court whenever ordered to do so within the
38 year, and shall further comply with the terms of the order
39 and of any subsequent modification thereof, then the recog-
40 nizance shall be void, otherwise in full force and effect.