

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY-SECOND LEGISLATURE

H. P. No. 330

H. D. No. 69

House of Representatives, Feb. 4, 1925.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Nichols of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT with Reference to the Penalty Under the Act Relating to Desertion and Non-support, When the Offense Is Not of a High and Aggravated Nature.

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

Chapter one hundred and twenty of the revised statutes
2 as amended by section two of the public laws of nineteen
3 hundred twenty-three is hereby amended by striking out
4 after the words "more than" the words "one year" and
5 inserting in place thereof the words 'eleven months,' so that
6 said section as amended shall read as follows:

'Sect. 39. When desertion of wife or minor children is
2 not of a high and aggravated nature, offense is a misde-

3 meanor; penalty. Whoever shall without lawful excuse
4 desert his wife when such wife is in destitute or necessitous
5 circumstances, or being able by means of his property or
6 labor to provide for the necessary support and maintenance
7 of his wife, shall without lawful excuse, wilfully, neglect
8 or refuse to provide such support and maintenance when
9 such wife is in destitute or necessitous circumstances, or
10 whoever shall without lawful excuse desert his or her minor
11 child or children under the age of sixteen years or being
12 able by means of his or her property or labor to provide
13 for the necessary support and maintenance of his or her
14 minor child or children under said age, shall wilfully neglect
15 or refuse to provide such support and maintenance when
16 such child or children are in destitute or necessitous cir-
17 cumstances, when such offense is not of a high and aggra-
18 vated nature, shall be deemed guilty of a misdemeanor and
19 on the conviction thereof shall be punished by a fine of not
20 more than three hundred dollars or by imprisonment with
21 or without hard labor for not more than eleven months or
22 by both such fines and imprisonment. If a fine is imposed,
23 the court may direct that it be paid in whole or in part to
24 the wife or to the guardian or custodian of the minor child
25 or children; provided that, before the trial, with the consent
26 of the defendant, or after conviction, instead of imposing
27 the punishment hereinbefore provided, or in addition there-
28 to, the court in its discretion having regard to the circum-
29 stances and to the financial ability or earning capacity of

30 the defendant, may make an order, which shall be subject
31 to change by it from time to time as circumstances may
32 require, directing the defendant to pay a certain sum weekly
33 for the space of one year to the wife, or to the guardian
34 or custodian of the minor child or children, or to an organ-
35 ization or individual approved by the court, as trustee, and
36 to release the defendant from custody on probation for the
37 space of one year upon his or her entering into a recog-
38 nizance, with sureties, in such sum as the court may direct.
39 The condition of the recognizance shall be such that if the
40 defendant shall make his or her personal appearance in
41 court whenever ordered to do so within the year, and shall
42 further comply with the terms of the order and of any sub-
43 sequent modification thereof, then the recognizance shall be
44 void, otherwise in full force and effect.'