

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

House Document

No. 80

H. P. 365

House of Representatives, Feb. 9, 1927.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Aldrich of Topsham.

STATE OF MAINE

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

AN ACT Relating to Appeal in Non-support Cases.

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

Section nine of chapter sixty-six of the revised statutes of
2 Maine is hereby amended by adding thereto, 'Any party
3 aggrieved by any order authorized by this section and made
4 by a superior court, probate court or municipal court may
5 appeal from said order to the Supreme Judicial Court in
6 the same manner as provided for probate appeals; and in
7 case of an order made hereunder by the Supreme Judicial
8 Court, such aggrieved party may appeal to the Law Court
9 in the same manner provided for appeals from the Supreme
10 Judicial Court to the Law Court. Provided, however, that
11 pending the determination of such appeal, the order appealed

12 from shall remain in force and obedience thereto may be
13 enforced as if no appeal had been taken. Said appeal shall
14 be in order for hearing at the first term of the court appealed
15 to held after said appeal is taken, and no continuance thereof
16 shall be had without the consent of the appellant or without
17 legal cause shown therefor to the justice or justices of said
18 court appealed to,' so that said section, so amended, shall
19 read as follows:

'Sect. 9. Husband and father compelled to contribute to
2 support of wife or minor children. R. S. c. 63, Section 7,
3 1905, c. 123, Section 6. Whenever a man, having a wife, a
4 minor child, or children, residing in this state, and being
5 of sufficient ability, or being able to labor and provide for
6 them, wilfully and without reasonable cause, refuses or
7 neglects to provide suitable maintenance for them, the su-
8 preme judicial court, the superior courts, the probate courts
9 and any municipal court, in term time or vacation, in the
10 county where the wife or such minor child or children
11 reside, on petition of the wife for herself and for such child
12 or children, or of such child or children by their guardian,
13 after such notice to the husband or father as it may order,
14 and hearing, may order him to contribute to the support
15 of his wife and such minor child or children or either of
16 them such sums payable weekly, monthly or quarterly, as
17 are deemed reasonable and just, and may enforce obedience
18 by appropriate decrees. Execution may also issue for said
19 sums, when payable and for costs. Any party aggrieved by

20 any order authorized by this section and made by a superior
21 court, probate court or municipal court may appeal from
22 said order to the Supreme Judicial Court in the same man-
23 ner as provided for probate appeals; and in case of an order
24 made hereunder by the Supreme Judicial Court, such ag-
25 grieved party may appeal to the Law Court in the same
26 manner provided for appeals from the Supreme Judicial
27 Court to the Law Court. Provided, however, that pending
28 the determination of such appeal, the order appealed from
29 shall remain in force and obedience thereto may be enforced
30 as if no appeal had been taken. Said appeal shall be in order
31 for hearing at the first term of the court appealed to held
32 after said appeal is taken, and no continuance thereof shall
33 be had without the consent of the appellant or without legal
34 cause shown therefor to the justice or justices of said court
35 appealed to.'