

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - THIRD LEGISLATURE

House Document

No. 474

H. P. 1217 House of Representatives, Mar. 25, 1927.

Reported by Mr. Aldrich from Committee on Judiciary and
laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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 or decree authorized by this section
4 made by a probate court or municipal court may appeal
5 from said order or decree in the same manner as provided
6 for appeals from such court in other causes. Provided,
7 however, that pending the determination of such appeal,
8 the order or decree appealed from shall remain in force
9 and obedience thereto may be enforced as if no appeal had
10 been taken. Said appeal shall be in order for hearing at

11 the first term of the court appealed to held after said ap-
12 peal is taken, and no continuance thereof shall be had with-
13 out the consent of the appellant or without legal cause shown
14 therefor to the justice of said court to which appeal is had,
15 so that said section, so amended, shall 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,
4 a 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 of
15 his wife and such minor child or children or either of them
16 such sums payable weekly, monthly or quarterly, as are
17 deemed reasonable and just, and may enforce obedience by
18 appropriate decrees. Execution may also issue for said
19 sums, when payable and for costs. Any party aggrieved
20 by any order or decree authorized by this section and made
21 by a probate court or municipal court may appeal from
22 said order or decree in the same manner as provided for

23 appeals from such court in other causes. Provided, how-
24 ever, that pending the determination of such appeal, the
25 order or decree appealed from shall remain in force and
26 obedience thereto may be enforced as if no appeal had been
27 taken. Said appeal shall be in order for hearing at the
28 first term of the court appealed to held after said appeal is
29 taken, and no continuance thereof shall be had without the
30 consent of the appellant or without legal cause shown there-
31 for to the justice of said court to which appeal is had.’