

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 291

H. P. 548

House of Representatives, February 4, 1943.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Haskell of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to Desertion and Non-support of Families.

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

R. S., c. 129, § 44, amended. Section 44 of chapter 129 of the revised statutes is hereby amended to read as follows:

'Sec. 44. Desertion of wife or children in destitute circumstances, or wilful non-support, when a felony; penalty; court may direct fine to be paid to wife; or may order respondent to make weekly payments. Whoever without lawful excuse deserts his wife when such wife is in destitute or necessitous circumstances, or, being able by means of his property or labor to provide for the necessary support and maintenance of his wife without lawful excuse, wilfully, neglects or refuses to provide such support and maintenance when such wife is in destitute or necessitous circumstances, or whoever without lawful excuse deserts his or her minor child or children under the age of 16 years or being able by means of his or her property or labor to provide for the necessary support and maintenance of his or her minor child or children under said age, wilfully neglects or refuses to provide such support and maintenance when such child or children are in destitute or necessitous circumstances, when such offense is of a high and aggravated nature shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than

\$500, or by imprisonment with or without hard labor for not more than 2 years, or by both such fine and imprisonment, and if a fine is imposed, the court may direct that it be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children; provided that, before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court in its discretion having regard to the circumstances and to the financial ability or earning capacity of the defendant, may make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly for the space of 1 year to the wife, or to the guardian or custodian of the minor child or children, or to an organization or individual **or probation officer** approved by the court, as trustee, and to release the defendant from custody on probation for the space of 1 year ~~upon his or her entering into a recognizance, with sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise in full force and effect.~~