MAINE STATE LEGISLATURE

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NINETY-FIRST LEGISLATURE

Legislative Document

No. 574

H. P. 1108 House of Representatives, February 17, 1943. Referred to Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Barnes of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED FORTY-THREE

AN ACT Relating to Enforcing Orders for Payment of Alimony, Support Money and Counsel Fees in Divorce Actions.

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

- R. S., c. 73, § 9-A, amended. Section 9-A of chapter 73 of the revised statutes, which was created by chapter 155 of the public laws of 1937 and amended by chapter 91 of the public laws of 1939 and by chapter 81 of the public laws of 1941, is hereby further amended to read as follows:
- 'Sec. 9-A. Payment of alimony. Pending a petition to enforce a decree of alimony or a decree for payment of money instead thereof or for the support of minor children or a decree for support pending libel, or for payment of counsel fees the court may order the husband or father to pay to the clerk of the court, or to counsel for the wife, or mother, sufficient money for the prosecution thereof, upon default of which order execution may issue as in actions of tort. Petition for such execution may be signed by the person seeking same or his attorney of record in such divorce action. When the husband, or father, is committed to jail on execution issued upon decree of alimony, or for payment of money instead thereof, or for the support of his minor children or for support pending libel, or for payment

of counsel fees the county having jurisdiction of the process shall bear the expense of his support and he may be discharged from imprisonment by payment of the execution and all costs and expenses of his commitment and support and he shall not be entitled to relief therefrom under the provisions of chapter 124 of the revised statutes; provided, however, that he may petition the court issuing such execution for relief, whereupon a judge of such court after due notice to the wife or mother, and hearing thereon may order his discharge from imprisonment on such terms and conditions as justice may require.'