

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 720

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S. P. 258

In Senate, February 12, 1947

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Baker of Kennebec.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SEVEN

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**AN ACT Relating to Issuance of Capias Execution in Divorce Cases.**

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

**R. S., c. 153, § 63, amended.** Section 63 of chapter 153 of the revised statutes is hereby amended to read as follows:

**Sec. 63. Payment of alimony.** Pending a petition to enforce a decree of alimony, or a decree for payment of money instead thereof, of for the support of minor children, or a decree for support pending libel, or for payment of counsel fees, **or for the alteration of an existing decree for the custody or support of minor children,** 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 **or defense** 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 the same or his attorney of record in such divorce action. **At the time of making a final decree in any divorce action, the court may order that execution shall issue against the body of any party to the action, charged with the payment of support of minor children or payments of alimony or a specific sum in lieu thereof, upon default of any payment, and the court shall order that the clerk of said court shall issue such execution upon the filing with the clerk an affi-**

**davit signed by the party to whom such payments are to be made, setting forth the amount in arrears under said decree.** 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 107; 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.'