

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

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

---

---

**Legislative Document**

**No. 499**

---

---

S. P. 305

In Senate, February 9, 1949

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Slocum of Cumberland.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

---

**AN ACT Relating to Neglect of Children.**

---

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

**Sec. 1. R. S., c. 22, § 238, amended.** The 1st sentence of section 238 of chapter 22 of the revised statutes, as amended by chapter 286 of the public laws of 1945, is hereby further amended to read as follows:

When complaint in writing signed by an agent of the department, sheriff, county probation officer, police officer, member of a municipal board, or by three or more citizens of any town or city is made under oath to the probate court of the county or the municipal court having jurisdiction in said city or town, alleging that such child in such city or town is cruelly treated or ~~wilfully~~ neglected by its parents or parent or other person having custody or control of such child or by the ~~wilful~~ failure of such parents or parent or other person having custody or control of such child is not provided with suitable food, clothing, or privileges of education, or is kept at or allowed to frequent any disorderly house, house of ill fame, gambling place, or place where intoxicating liquors are sold, or other places injurious to the health or morals, or that such child is an orphan, or is a child whose mother is an inmate of a state institution, without means of support or kindred of sufficient ability who will furnish such support, and praying that

suitable and proper provision be made for the care, custody, support and education of the child named in such complaint, the court in term time or vacation may fix a time for hearing upon said complaint to be held in term time or vacation, and may issue a warrant causing the parents or parent or other persons having custody or control of such child, and the child, if necessary, to be brought before said court forthwith in term time or vacation, or may order notice to be given to said parents or parent or said other persons in such manner or in such length of time as the court deems proper.

**Sec. 2. R. S., c. 125, § 1, amended.** The 1st sentence of section 1 of chapter 125 of the revised statutes, as amended by section 1 of chapter 369 of the public laws of 1947, is hereby further amended to read as follows:

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 under the age of 18 years if regularly attending school, 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 to the wife for such period as the court may determine, and when there are children until such child or children reach the age of 16 years or the age of 18 years if regularly attending schools to the wife, or to the guardian or custodian of the minor child or children, or to an organization or individual approved by the

court, as trustee, or to the department of health and welfare of the state of Maine for the use of such child or children, and to release the defendant from custody on probation for the period during which the aforesaid payments are ordered, and may in its discretion order said defendant to enter into a recognizance with sureties, in such sum as the court may direct.'

**Sec. 3. R. S., c. 125, § 2, amended.** The 1st sentence of section 2 of chapter 125 of the revised statutes, as amended by section 2 of chapter 369 of the public laws of 1947, is hereby further amended to read as follows:

'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 ~~willfully~~ 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 under the age of 18 years if regularly attending schools, 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, ~~willfully~~ neglects or refuses to provide such support and maintenance when such child or children are in destitute or necessitous circumstances, when such offense is not of a high and aggravated nature, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$300, or by imprisonment with or without hard labor for not more than 11 months, or by both such fine and imprisonment.'