

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

Chapter 178.

An Act to amend Chapter forty-two of the Public Laws of nineteen hundred and seven, relating to "Prevention of desertion and non-support of Families."

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

Section 1,
chapter 42,
public laws,
1907,
amended.

Section 1. Strike out the word "misdemeanor" quoted in the fifteenth line of section one of said act, and substitute therefor the word 'felony,' and strike out the words "six months" in the eighteenth line of said section and substitute therefor the words 'two years' so that said section as amended, shall read as follows:

Desertion
of wife in
destitute
circum-
stances.

'Section 1. Any person who shall without lawful excuse desert his wife when such wife is in destitute or necessitous circumstances or any person who being able by means of his property or labor to provide for the necessary support and maintenance of his wife, shall wilfully neglect or refuse to provide such support and maintenance when such wife is in destitute or necessitous circumstances, or any person who shall without lawful excuse desert his or her minor child or children under the age of sixteen, or who 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 shall wilfully neglect or refuse to provide such support and maintenance when such child or children are in destitute or necessitous circumstances, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not more than five hundred dollars or by imprisonment with or without hard labor for not more than two years or by both such fine and imprisonment; and should a fine be imposed it may be directed by the court to 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, shall have the power to 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 one year 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, and to release the defendant from custody on probation for the space of one year upon his

—desertion
of children.

—neglect to
support.

—penalty.

—court
may direct
fine to be
paid to
wife.

—proviso.

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.

Condition of recognizance.

If the court shall be satisfied by information and due proof, under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original indictment, or sentence him under the original conviction, or enforce the original sentence, as the case may be. In case of forfeiture or a recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children.

On proof of violation of order court may proceed under original indictment.

—amount recovered may be paid to wife or guardian.

Section 2. Strike out all of section two.

Section 2 stricken out.

Section 3. Strike out all of section three and substitute therefor the following:

Section 3, amended.

'Section 2. All fines or penalties provided for by the terms of this act may be recovered or enforced by indictment. The supreme judicial and superior courts shall have original and concurrent jurisdiction, in all cases under the provisions hereof. Provided that judges of municipal and police courts and trial justices, may cause persons brought before them on complaint under the provisions of this act to recognize with sufficient sureties to appear before the supreme judicial courts, and in default thereof shall commit them.'

Fines and penalties, how recovered.

Approved April 1, 1909.

Chapter 179.

An Act for the encouragement of Shellfish Industry.

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

The commissioner of sea and shore fisheries is hereby authorized and directed to expend from the moneys appropriated for the year nineteen hundred and nine, for the protection of sea and shore fisheries, so much thereof, not exceeding the sum of one thousand dollars, as may be found necessary to make such experiments as in his judgment are necessary to conserve, extend, encourage, develop, improve and increase the shellfish industry in this state; and he is authorized, during the

Authorized to make experiments in shellfish industry.