

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)

ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1955

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

Chapter 142

AN ACT Relating to Payment of Alimony and Support of Minor Children.

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

R. S., c. 166, § 64, amended. Section 64 of chapter 166 of the revised statutes is hereby amended to read as follows:

'Sec. 64. Payment of alimony; attorney's fees; support of minor children; *capias* execution. 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, 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 wife or mother, 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 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 and such reasonable attorney's fee as the court shall order 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 affidavit 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 commitment 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 120; 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.

~~Any person who knowingly files a false affidavit alleging default of payments of support of minor children or payments of alimony or specific sum in lieu thereof, for the purpose of obtaining a *capias* execution as provided in this section, shall be deemed to have committed the crime of perjury and shall be subject to prosecution and imprisonment, upon conviction, in the same manner as provided in the statutes relating to the crime of perjury.'~~

Effective August 20, 1955

Chapter 143

AN ACT Relating to the Laws of Divorce.

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

R. S., c. 166, § 70, amended. The 2nd paragraph of section 70 of chapter 166 of the revised statutes is hereby amended by adding thereto the following sentence:

'The Department of Health and Welfare shall have all the powers as to the person, property, earnings and education of every child committed to its custody under the provisions of this section during the term of commitment, which a guardian has to a ward.'

Effective August 20, 1955

Chapter 144

AN ACT Relating to Definition of Retail Sale Under Sales Tax Law.

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

R. S., c. 17, § 2, amended. The second sentence from the end of the tenth paragraph of section 2 of chapter 17 of the revised statutes is hereby amended to read as follows:

'"Retail sale" and "sale at retail" do not include the sale of tangible personal property which becomes an ingredient or component part of, or which is consumed or destroyed or loses its identity in the manufacture of, tangible personal property for later sale ~~by the purchaser~~ but shall include fuel and electricity.'

Effective August 20, 1955

Chapter 145

AN ACT Relating to Trapping for Bear.

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

R. S., c. 37, § 71, amended. The 3rd paragraph of section 71 of chapter 37 of the revised statutes is hereby amended to read as follows:

'No person shall set any trap for any wild animal without having the trap plainly labeled with his full name and address, and he shall forfeit to the State the trap or traps not so marked and any wild animal found therein; provided further, that no person shall set a bear trap unless the same is enclosed ~~in a hut,~~ ~~so called,~~ ~~or~~ by at least 2 strands of barbed wire, one ~~+~~ 2 and one ~~+~~ 4 feet from the ground, said wire to be securely held in position and to be not less than 5 yards or more than 10 yards at any point from the enclosed trap. ~~Said enclosure shall be marked by proper sign with the words "BEAR TRAP" in letters not less than 3 inches in height on said enclosure. Said enclosure shall be marked by substantial signs with the words "BEAR TRAP" and "TRAPPE D'OURS" with letters not less than 3 inches in height, said signs to be spaced around each enclosure at intervals of not more than 20 feet and each sign securely fastened to the top strand of barbed wire.'~~

Effective August 20, 1955