

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES
VOLUME 4

**Place in Pocket of Corresponding
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The clerk of courts shall be paid \$2.50 for each such abstract, \$1 of which he shall pay to the register and \$1.50 of which he shall retain as his fee and costs of registered mail, and an additional \$2 as filing fee of the authenticated copy of foreign divorce decree.

No such rights acquired under the provisions of said sections 63 and 65, after September 1, 1955, shall be effectual against the libelee or any other person, unless said abstract of the decree of divorce shall have been recorded, in the manner hereinabove provided, within 1 year from the date of said decree of divorce. (1955, c. 428.)

Sec. 70. Disposal of minor children; change name of wife; employ compulsory process deemed proper; expense of maintenance and education.

The expense of maintenance and education of children committed to care and custody of the department of health and welfare under the provisions of this section shall be borne in accordance with the provisions of section 251 of chapter 25. 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.

(1955, c. 143.)

Effect of amendment.—The 1955 amendment added the second sentence of the second paragraph. As the first and third paragraphs were not changed by the amendment, they are not set out.

Welfare of children governs court in its decree.

The rule is plainly and firmly estab-

lished that the welfare of the child is the controlling fact in determining care and custody. The paramount consideration for the court is the present and future welfare and well-being of the child. *Dumais v. Dumais*, 152 Me. 24, 122 A. (2d) 322.

Chapter 167.

Uniform Reciprocal Enforcement of Support Act.

General Provisions.

Sec. 1. Purposes.

Purpose and effect generally.—The purpose of the Uniform Reciprocal Enforcement of Support Act was to remedy a deplorable situation. Under the law, as it existed prior to its enactment, a child or child's guardian could compel a father to support a child only by coming to the state having jurisdiction over the father and bringing proceedings in the courts of that state. As the law is now, the child may in the state of his or her domicile

initiate proceedings against the father in that state for action to be taken by the state having jurisdiction of the father. The final decision, or judgment, must be made by the court having jurisdiction over the father and while the initiating state makes recommendations, these are not binding on the responding state. *Rosenberg v. Rosenberg*, 152 Me. 161, 125 A. (2d) 863.

Civil Enforcement.

Sec. 7. Choice of law.

The laws which govern the liability of a father living in Maine to support his daughter living in New York are those of the responding state (Maine) and not the

laws of the initiating state (New York). *Rosenberg v. Rosenberg*, 152 Me. 161, 125 A. (2d) 863.

Sec. 9. How duties of support enforced.

Residence of the obligee shall determine the jurisdiction of the court even though the petitioner may have been a party to a divorce granted in another jurisdiction in which support was allowed. (1949, c. 297. 1951, c. 186. 1953, c. 248. 1957, c. 280.)

Effect of amendment. — The 1957 amendment substituted the word “obligee” for the word “petitioner”, which formerly appeared as the fourth word of the last paragraph. As the first paragraph was not changed by the amendment, it is not set out.

Sec. 11. Officials to represent petitioner. — The county attorney shall represent the petitioner in any proceeding under this chapter when this state is the responding state. (1949, c. 297. 1951, c. 186. 1953, c. 248. 1955, c. 5, § 1.)

Effect of amendment.—The 1955 amendment deleted the words “upon the request of the court” after the words “county attorney.”

Sec. 18. Further duty of responding court.—If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the respondent or his property due to inaccuracies or inadequacies in the petition or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the respondent or his property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state. When it is learned that the respondent is in another county of this state, the clerk shall forward all papers to that county where the clerk shall handle the cause as directed in section 17. (1949, c. 297. 1951, c. 186. 1953, c. 248. 1955, c. 5, § 2.)

Effect of amendment.—The 1955 amendment added the second sentence.

Sec. 21. Additional powers of court.

II. To require the respondent to make payments at specified intervals to the clerk of the court and to report personally to such clerk at such times as may be deemed necessary. (1955, c. 5, § 3)

III. To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court or an execution may issue as in actions of tort. When the respondent is committed to jail for contempt or on execution issued, as provided, the county having jurisdiction of the process shall bear the expense of his support and commitment and he may be discharged in the same manner as provided by section 64 of chapter 166. (1949, c. 297. 1951, c. 186. 1953, c. 248. 1955, c. 5, § 3. 1957, c. 22.)

Effect of amendments. — The 1955 amendment deleted the words “or the obligee” after the word “court” in line of tort” in the first sentence and added the second sentence in subsection III. As the rest of the section was not changed by the amendments, only subsections II and III are set out.

The 1957 amendment added the words “or an execution may issue as in actions

Chapter 167-A.

Uniform Civil Liability for Support Act.

Sec. 1. Definitions.—As used in this chapter, unless the context requires otherwise:

“Child” means a son or daughter under the age of 21 years and a son or daughter of whatever age who is incapacitated from earning a living and without sufficient means.