

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

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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.

Sec. 70-A. Attested copy of decree mailed to libelee when duty of support.—In all cases where the decree of divorce imposes a duty of support on the libelee the clerk of courts upon issuance of such decree shall mail an attested copy thereof to said libelee by registered mail, postage prepaid, to be delivered to addressee only with return receipt demanded and the record of the registry of the mail and any receipt returned shall be filed with the case. It shall be the duty of the libelant and any counsel of record for this purpose to supply the clerk with the last known address of said libelee. (1959, c. 75, § 6.)

Support of Children.

Sec. 71. Failure to comply with court order relative to support of children, when felony.

Courts having jurisdiction in the places of residence of any of the dependents or the responsible parent shall have jurisdiction of the subject matter. (1947, c. 369, § 6. 1959, c. 75, § 7.)

Effect of amendment.—The 1959 amendment added a new paragraph at the end of the section.

As the rest of the section was not affected by the amendment, it is not set out.

Sec. 72. Failure to comply with court order relative to support of children, when misdemeanor.

Courts having jurisdiction in the places of residence of any of the dependents or the responsible parent shall have jurisdiction of the subject matter. (1947, c. 369, § 6. 1959, c. 75, § 8.)

Effect of amendment.—The 1959 amendment added a new paragraph at the end of this section.

As the rest of the section was not affected by the amendment, it is not set out.

Chapter 167.

Uniform Reciprocal Enforcement of Support Act.

General Provisions.

Sec. 1. Purposes.

Cross reference.—See c. 167-A, §§ 1-13, re Uniform Civil Liability for Support Act.

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 except that in cases involving public aid a representative of the attorney general may represent the petitioner. (1949, c. 297. 1951, c. 186. 1953, c. 248. 1955, c. 5, § 1. 1959, c. 75, § 9.)

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

The 1959 amendment substituted "ex-

cept that in cases involving public aid a representative of the attorney general may represent the petitioner" for "when this state is the responding state" at the end of the section.

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 two of subsection II.

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

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.