

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 31

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In Senate, Jan. 23, 1919.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Senator Gurney of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND NINETEEN

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AN ACT to Amend Sections 49, 51, 53, 54, 55, 59 and 60, and to Repeal Sections 50 and 52 of Chapter 64 of the Revised Statutes Relating to the Protection of Children, as Amended by Chapter 297 of the Public Laws of 1917.

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

Section 1. Sections 49, 51, 53, 54, 55, 59 and 60 of Chapter 64, revised statutes, as amended by chapter 297, public laws of 1917, are hereby amended to read as follows:

'Sect. 49. The state board of mother's aid, as now or hereafter constituted, under the provisions of chapter 222, public laws of 1917, and any acts amendatory thereof, is hereby constituted a state board of children's guardians,

5 hereinafter referred to as the state board, and in each city,  
6 town or plantation, the municipal board of mother's aid,  
7 as provided for in said chapter 222, and acts amendatory  
8 thereof, is hereby constituted a municipal board of chil-  
9 dren's guardians, hereinafter referred to as the municipal  
10 board.

'Sect. 51. All municipal boards, their agents and em-  
2 ployees, and the state board and its agents, so far as funds  
3 are available, shall investigate all cases of cruel or injurious  
4 treatment of children coming to their knowledge, and shall  
5 cause offenders against any law for the protection of chil-  
6 dren or prevention of cruelty to the same to be prosecuted.  
7 The costs of court proceedings under this act shall be taxed  
8 and paid in the same manner as in any criminal process.  
9 All fines imposed for the punishment of offences under any  
10 of the last twelve sections of this chapter shall be paid over  
11 to the county treasurer of the county in which the offences  
12 may have been committed.

'Sect. 53. When complaint in writing signed by any agent  
2 of the state board, sheriff, deputy sheriff, police officer, con-  
3 stable, member or agent of a municipal board, or any officer  
4 or agent of any society for the protection of children or  
5 prevention of cruelty to children or by three or more citi-  
6 zens of any town or city is made under oath to the pro-  
7 bate court of the county or the municipal or police court  
8 having jurisdiction in the said city or town, alleging that  
9 such child in such city or town is cruelly treated or wilfully

10 neglected by its parents or parent or by the wilful failure  
11 of such parent or parents is not provided with suitable food,  
12 clothing or privileges of education or is kept at or allowed  
13 to frequent any disorderly house, house of ill fame, gam-  
14 bling place or other place where intoxicating liquors are  
15 sold or other places injurious to the health and morals, or  
16 that such child is an orphan without means of support or  
17 kindred of sufficient ability who will furnish such support,  
18 and praying that suitable and proper provision be made  
19 for the care, custody, support and education of the child  
20 named in such complaint, the court to whom such com-  
21 plaint is made shall issue a warrant causing the parents  
22 or other persons having custody or control of such child,  
23 if any, and the child if necessary, to be brought before it.  
24 The court shall cause notice in writing to be given to the  
25 municipal board of the town where the child is residing  
26 at least ten days before the date set for the hearing, pro-  
27 vided, however, that the municipal board may waive such  
28 notice. If upon hearing it shall appear that any material  
29 allegations of said complaint are true, the court may order  
30 said child into the custody of any suitable person or any  
31 duly incorporated children's institution or child welfare  
32 organization consenting to receive same, whose standards  
33 of care and maintenance are approved by the state board  
34 or into the custody of the state board itself. The court  
35 shall cause a copy of the order of commitment and of any  
36 subsequent modifications thereof to be sent forthwith to

37 the state board. The court may direct the municipal board  
38 where the child is residing to make such provision for its  
39 care as may be necessary pending hearing and the expense,  
40 if any, of such care shall be paid in the same manner as  
41 provided in section 55 of this act for the care of children  
42 committed to children's institutions or child welfare organ-  
43 izations or the state board.

'Sect. 54. Orders and decrees provided for in the pre-  
2 ceding sections shall have the same effect to divest the  
3 parent or parents of all legal rights in respect to said child  
4 as specified in section 38 of chapter 72, revised statutes,  
5 but shall not relieve the parent or parents of liability for  
6 the support of such child, or from the penalties for failure  
7 to support which are provided in sections 38, 39, 40 and  
8 41 of chapter 120 of the revised statutes. Such orders shall  
9 not extend beyond the time when the child arrives at the  
10 age of twenty-one years. The children's institution or or-  
11 ganization or state board to which said child is committed  
12 shall have full custody and control over said child there-  
13 after for said time, and shall have authority to give the  
14 consent required in section 36 of said chapter 72. An ap-  
15 peal may be taken from the order or decree of any pro-  
16 bate, municipal or police court determining the custody of  
17 the child under the provisions of this act to the next term  
18 of the supreme judicial court to be holden within the coun-  
19 ty not earlier than fourteen days after the signing of said  
20 order or decree, provided that in counties having a superior

21 court said appeal from any municipal or police court shall  
22 lie solely to said superior court next to be holden not earlier  
23 than fourteen days after the signing of said order or de-  
24 cree. The proceedings under such appeal from a probate  
25 court shall follow the form prescribed for appeals from  
26 probate courts and under such appeal from a municipal or  
27 police court shall follow the provisions of any special char-  
28 ter of the municipal or police court concerned, but pend-  
29 ing action upon any such appeal the court may order the  
30 custody of the child to be retained by said suitable person,  
31 children's institution or child welfare organization or state  
32 board. Upon application by the state board, by a munici-  
33 pal board, by the parents or parent of any such child, or  
34 by the children's institution or child welfare organization  
35 or suitable person to which such child may have been com-  
36 mitted to the court making the commitment, said court shall  
37 examine into the conditions and welfare of the said child,  
38 and may at any time make such further order in relation  
39 to his care, custody, support and education as justice may  
40 demand.

'Sect. 55. Whenever the court deems it suitable and con-  
2 ducive to the public welfare that any such child be placed  
3 under the control of an individual the court shall first take  
4 a bond from such person running to the state in such sum  
5 and with such sureties as the court approves, conditioned  
6 that such person shall humanely treat and properly sup-  
7 port, clothe and educate the child, and in case of non-per-

8 formance of the conditions of said bond a suit may be  
9 commenced thereon and the sum so recovered shall be paid  
10 into the treasury of the state for the joint benefit of the  
11 state and town of settlement, if any, of said child in pro-  
12 portion to the amount of expense incurred by the state and  
13 said town because of the failure of said person so to treat,  
14 support, clothe and educate said child.

'The state board shall provide for the maintenance and  
2 education in or by duly incorporated children's institutions  
3 and child welfare organizations, where such are available,  
4 and otherwise direct in family homes, of any children com-  
5 mitted to its custody under the provisions of the preceding  
6 sections. Bills itemizing the expense of maintenance and  
7 education of children committed under the provisions of  
8 this chapter, when approved by the state board and audited  
9 by the state auditor, shall be paid by the treasurer of the  
10 state, who shall recover from the town of settlement, if  
11 any, of any such child, one-half, but not exceeding an aver-  
12 age of two dollars per week, of any such payments on ac-  
13 count of said child. At the request of the parents or next  
14 friend of any dependent child under sixteen years of age  
15 who is without parent or grandparent of sufficient ability,  
16 or without other relatives able and willing to provide for  
17 its care, said request being approved by the municipal board  
18 of the city or town where the child is domiciled or by any  
19 duly incorporated children's institution or organization, the  
20 state board may make similar provision, without interven-  
21 tion of court, for the care of such child.

'No such child, nor the parents or grandparents of such  
2 child who are unable to provide for its care, shall be deemed  
3 paupers by reason of any care furnished to the child under  
4 the provisions of this act.

'Sect. 59. Whenever a child is in the custody of any chil-  
2 dren's institution or child's welfare organization or suitable  
3 person or of the state board, the parents or either of them  
4 may make application in writing to any justice of the su-  
5 preme judicial court to have its custody restored to him  
6 or them, such notice on the application and the time and  
7 place of the hearing thereon as the court orders, shall be  
8 given to such person, institution or organization or to the  
9 state board and to the municipal board of the town where  
10 the proceedings therein were commenced; and if, upon such  
11 hearing it appears that the applicant is of sufficient ability  
12 and inclination suitably to provide for maintenance and  
13 education of said child, and that justice requires that its  
14 custody be restored to said applicant, the judge shall so  
15 order, and the custody and control of said child shall there-  
16 after be given to said applicant until the further order of  
17 the court.

'Sect. 60. The state, any town or county incurring ex-  
2 penses under sections 51, 53, 54, 55, and 59 of this chapter,  
3 through the fault of parents who are able to support and  
4 educate their children, but wrongfully neglect and refuse to  
5 do so, may recover of them or either of them, in an action  
6 of debt, the amount so expended.'



Sect. 2. Section 50 and 52 of said chapter 64 as amended  
2 and all other acts and parts of acts inconsistent herewith  
3 are hereby repealed.