

# MAINE STATE LEGISLATURE

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No published version of this amendment has been located. However, the text of the amendment can be found in the Legislative Record, as follows:

Members of the House: From some of the comments that I have heard and some of the remarks that have been made here on the floor of the House, it seems to me that there is a misunderstanding about this matter, particularly as it relates to aid to neglected children.

If I am correct, these neglected children are children that are taken from places where they are not receiving proper care. The State takes the custody of these children and the municipalities having nothing further to do with them except that they have the privilege of paying a part of the bill; that is, at intervals throughout the year, they receive a bill, requesting them to pay their percentage of the support of these children. The municipal officers, the overseers of the poor, having nothing to say about where these children will go, about the type of care they will receive, in fact they have no control over the situation whatsoever.

We have discussed to quite an extent the matter of relieving municipalities or aiding them in some way. We proposed increasing teachers' salaries; we proposed aiding highway construction; and in some of these instances, we are turning the funds over to municipalities to spend. In this case, the municipalities are contributing to the State for a matter over which they have no control. I believe that this matter should be reconsidered and that the bill should be passed.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, when the vote is taken, I would ask for a division.

The SPEAKER: The question before the House is upon the motion of the gentleman from Fairfield, Mr. Woodworth, that the House reconsider its action of yesterday whereby it indefinitely postponed "An Act Relieving Towns from Care of Neglected and Dependent Children." The same gentleman has requested a division.

All those in favor of reconsidering our action of yesterday whereby it indefinitely postponed matter will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: One hundred and five having voted in the affirmative

and eight in the negative, the motion to reconsider prevails.

The pending question is upon the passage of this bill to be enacted.

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, I think everybody understands what this bill means, and I do now move that the bill be passed to be enacted.

Thereupon the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter Bill "An Act Relating to Jurisdiction of Municipal Courts in Juvenile Cases" (S. P. 256) (L. D. 718) tabled on April 18th, by the gentleman from Auburn, Mr. Williams, pending passage to be engrossed.

The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: This bill proposes to broaden the jurisdiction of the municipal courts in juvenile cases. It has been on the table pending the preparation of an amendment. During that time, it was discovered that this section relating to municipal courts, particularly juvenile cases, still contained the age limit of nine years in connection with commitment to the State School for Boys, whereas the limit for girls is nine years, and the other sections of the statute have not been changed.

I now present House Amendment "A," which corrects section 6 of the Revised Statutes, Chapter 133, and adds a new section to this bill, making that change. The filing number is 344. This also includes a further provision which is an attempt to clarify the law in regard to appeals from findings in regard to juvenile cases.

The SPEAKER: The gentleman from Auburn, Mr. Williams, presents House Amendment "A" and moves its adoption. The Clerk will read the amendment.

House Amendment "A" was read by the Clerk as follows:

House Amendment "A" to S. P. 256, L. D. 718, Bill "An Act Relating to Jurisdiction of Municipal Courts in Juvenile Cases."

Amend said Bill by inserting at the beginning of the 1st line thereof the following: 'Sec. 1.'

Further amend said Bill by adding thereto the following:

**Sec. 2. R. S., c. 133, §6, amended.** Section 6 of chapter 133 of the revised statutes, as amended by chapter 63 of the public laws of 1945, is hereby further amended to read as follows:

**Sec. 6. Powers of the court in juvenile cases.** A municipal court may place children under the age of 17 years under the supervision, care, and control of a probation officer or an agent of the department of health and welfare or may order the child to be placed in a suitable family home subject to the supervision of a probation officer or the department of health and welfare or may commit such child to the department of health and welfare or make such other disposition as may seem best for the interests of the child and for the protection of the community including holding such child for the grand jury or commitment of such child to the Pownal State School upon certification of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this state, that such a child is mentally defective and that his or her mental age is not greater than  $\frac{3}{4}$  of subject's life age nor under 3 years, or to the state school for boys or state school for girls; but no boy shall be committed to the state school for boys who is under the age of 11 9 years and no girl shall be committed to the state school for girls who is under the age of 9 years, and no municipal court shall sentence a child under the age of 17 years to jail, reformatory, or prison; any child or his next friend or guardian may appeal to the superior court in the same county in the same manner as in criminal appeals, and the court may accept the personal recognition of such child, next friend, —or guardian, and said superior court may either affirm such sentence or order of commitment or make such other disposition of the case as may be for the best interests of such child and for the peace and welfare of the community.

**Where, however, an appeal is taken and the offense is one that must be prosecuted by indictment, the county attorney shall submit the evidence relating to such crime to the grand jury convening at the criminal term at which the appeal is to be heard, and if the grand**

**jury return an indictment for such offense the accused may, in the discretion of the court, be tried on such indictment, or the court may order it placed on file, or make such other disposition thereof as it may determine, including the dismissal thereof, and proceed to hear the appeal, and either affirm such sentence or order of commitment, or make other disposition of the case in accordance with the provisions relating to appeal hereinbefore provided."**

House Amendment "A" was adopted and the bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, Senate Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Salaries and Fees on Bill "An Act Increasing the Salary of Register of Probate in Androscoggin County" (S. P. 221) (L. D. 569) tabled on April 21st by the gentleman from Auburn, Mr. Bickford, pending acceptance of report.

The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: The gentleman from Auburn, Mr. Bickford, who tabled this matter, is sick and unable to be here. However, I talked with him this morning and he has authorized me to move acceptance of the committee report.

Thereupon, the House voted to accept the "Ought to pass" report of the committee, and, under suspension of the rules, the bill was given its two several readings.

Committee Amendment "A" was read by the Clerk as follows:

Committee Amendment "A" to S. P. 221, L. D. 569, Bill, "An Act Increasing the Salary of Register of Probate in Androscoggin County."

Amend said Bill by striking out at the end thereof the underlined figure "\$2,500," and inserting in place thereof the underlined figure "\$2,300".

Committee Amendment "A" was adopted and bill was tomorrow assigned for third reading.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, Bill "An Act Limiting the Weight, Length, Width and Height of Motor Vehi-