

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SIXTIETH LEGISLATURE

OF THE
STATE OF MAINE.

1881.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1881.

CHAP. 72. following words, 'and no trial justice or judge of any municipal or police court, before whom such suit is brought, shall be deemed incompetent to try the same by reason of his residence in the town assessing said tax,' so that said chapter shall read as follows :

Trial justices or municipal judges competent to try suits brought by collectors of taxes in towns where they reside

'Any collector of taxes, or any executor or administrator of a deceased collector of taxes, may, after due notice, sue in his own name, for any tax in any court competent to try the same, and no trial justice or judge of any municipal or police court, before whom such suit is brought, shall be deemed incompetent to try the same by reason of his residence in the town assessing said tax.'

Approved March 15, 1881.

Chapter 72.

An act concerning the care of abused and neglected children.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Municipal officers may on complaint give notice of hearings on cases of alleged abuse of children.

SECT. 1. When complaint in writing, signed by two or more citizens of any town or city alleging that any child within such town or city, is willfully neglected or cruelly treated by its parents, or by the willful fault of such parents is not provided with suitable food, clothing or privileges of education, or is kept at any house of ill-fame, or that such child is an orphan without means of support or kindred of sufficient ability, who will furnish such support, shall be made to the municipal officers of such town or city, such municipal officers shall give notice of a time and place of hearing upon such petition, by serving such notice, with a copy of such petition upon such parents at least two days before such hearing, or by publishing a copy of such petition and notice of hearing in some newspaper in the county where such child resides, at least seven days before such hearing. Said municipal officers shall at the time and place mentioned in said notice, give a hearing to the parties and their witnesses, and if they find that the allegations in the petition are true, and that it is just and expedient to make further provision for the care, education and support of such child, they

Hearings to be given parties and witnesses, and record to be made.

shall make a record thereof, signed by them or a majority of them, which shall be recorded by the clerk of said city or town in a book kept for that purpose.

SECT. 2. Upon the making of such record it shall be the duty of such municipal officers or of some person appointed by them for that purpose, to make a complaint under oath to any judge of any court or any trial justice, which shall contain in substance, the allegations set forth in said petition, and praying that such provision may be made for the care, custody, support and education of the child named in said complaint as justice shall require, and thereupon the magistrate, before whom such complaint is made, shall issue his warrant and shall cause such child to be brought before him, and if upon notice and hearing, it shall appear that the allegations of the complaint are true, and that justice requires that such child shall be supported and educated away from its parents, he shall order such child to such place or institution as shall be provided therefor by such town or city, or to such charitable institution or private person, as he shall deem suitable for the purpose, provided such institution or person shall consent to receive, support and educate such child; but such order shall not extend beyond the time when such child shall arrive at the age of twenty-one years, if a male, or at the age of eighteen years, if a female.

Municipal officers to make complaint to justice of court or trial justice.

Proceedings.

SECT. 3. Whenever the magistrate shall deem it suitable and conducive to the public welfare, that such child shall be placed under the control of any private person, he shall first take a bond from such person, running to such town or city where the child resides, in such sum and with such sureties as he shall approve, conditioned that such person will humanely treat and properly support, clothe and educate the child, and in case of the non-performance of said bond, a suit may be commenced thereon, and the sum recovered upon such bond shall be paid into the treasury of the town or city to which the bond is given. Upon application to any magistrate, he shall examine into the condition and welfare of the children who have been provided for under this act, and may at any time make such further order in relation to their care, custody, support and education as justice shall demand.

Magistrate may place child under control of private person, who shall give bond.

Magistrate may examine into condition of children and make further order for their benefit.

CHAP. 72.

Municipal officers may take custody of child in certain cases.

SECT. 4. Whenever the municipal officers of any town or city have reason to believe that any child will be removed beyond the limits of the state before a hearing can be had, as provided in this act at any time after the filing of the petition, they shall have the power to take the child into their custody and keep the same until the hearing before the magistrate, as provided by this act

Parents may make application to have custody of child restored to them.

SECT. 5. Whenever any child is in the custody of any public or charitable institution, the parents or either of them may make application in writing to any judge of the supreme judicial court to have the custody of such child restored to them. Such notice of the application and the time and place of the hearing thereon as the court shall order, shall be given to such institution and the municipal officers of the town or city where the proceedings provided for in this act commenced, and if it shall appear upon such hearing, that the applicant is of sufficient ability and inclination to suitably provide for the support and education of such child, and justice requires that the custody of such child shall be restored to such applicant, the judge shall so order, and the custody and control of said child shall thereupon be given such applicant until the further order of the court.

Notice to be given and hearing had.

Expense of support of children may be recovered of parents.

SECT. 6. Any town or city incurring expenses under this act, by reason of the fault of parents who are of sufficient ability to properly support and educate their children, but who wrongfully neglect and refuse to do so, may recover of such parents in an action of debt, the amount so expended for the support of said children.

Towns may make provisions for support of children.

SECT. 7. Any town or city may make proper provisions for the support of children mentioned in this act, and such support shall not make such children or their parents, paupers.

SECT. 8. This act shall take effect when approved.

Approved March 15, 1881.