

MAINE STATE LEGISLATURE

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REPORT
OF
THE COMMISSIONER
ON THE
REVISION AND CONSOLIDATION
OF THE
PUBLIC LAWS
OF THE
STATE OF MAINE
UNDER
RESOLVE OF APRIL 15, 1927

AUGUSTA
KENNEBEC JOURNAL PRINT
1928

TITLE TWELVE.

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CHAPTER 152.

The State Prison. Reformatories.

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The State Prison.

Sec. 1. Location. R. S. c. 142, § 1. The state prison at Thomaston, in the county of Knox, shall continue to be maintained as the prison and penitentiary of the state, in which convicts, lawfully committed thereto, shall be confined, employed, and governed as hereinafter provided.

Sec. 2. Solitary imprisonment, as discipline. R. S. c. 142, § 2. Punishment in the state prison by imprisonment shall be by confinement to hard labor, and not by solitary imprisonment, except as a prison discipline for the government of the convicts, as hereinafter mentioned.

See §§ 16, 47; 71 Me. 241; 74 Me. 161.

Sec. 3. Convicts of United States courts to be received. R. S. c. 142, § 3. Convicts, sentenced to hard labor in the state prison, for life or for any term not less than one year, by any court of the United States held within the state, shall be received into the prison by the warden thereof, when delivered by the authority of the United States, and there kept in pursuance of their sentences.

Board of Prison Commissioners.

Sec. 4. Board of prison commissioners; tenure of office; vacancies; secretary. 1917, c. 195, § 1. The governor, with the advice and consent of the council, shall appoint a board of prison commissioners consisting of three members, each appointment for the period of six years, as the terms of the present members expire. Whenever a vacancy occurs by reason of death, incapacity, or resignation, appointment shall be made as above described for the unexpired portion

of such term. One of the members of said board shall be designated in his commission as chairman. The commission may appoint a secretary. The word "commission" as used in sections four to fifty-seven inclusive of this chapter shall mean the board of prison commissioners.

See c. 125, § 42.

Sec. 5. Duties of commission. 1917, c. 195, § 2. The commission shall have the general direction and control of the state prison, exclusive of any other board created by statute. It shall make and establish such rules and regulations, not inconsistent with law, as it may deem expedient for the direction of the officers of the prison in the performance of their duties; for the government, discipline, instruction, and employment of the inmates; for the supply of food, clothing and bedding therein and for the custody and preservation of the property connected therewith.

Sec. 6. Warden, chaplain, and physician appointed by commission; warden to appoint others; compensation, how fixed. 1917, c. 195, § 3. The warden, chaplain, and physician shall be appointed by the commission and shall hold office during its pleasure. All other officers and employees of the prison shall be appointed and commissioned by the warden with the approval of the commission. The compensation of all officers and employees of the prison shall be established by the commission, subject to the approval of the governor and council.

Sec. 7. Commission to act as advisory board in matters of pardons. 1917, c. 195, § 4. The commission shall be an advisory board of pardons. It shall consider carefully and thoroughly the merits of all applications for pardon and commutation of sentence referred to it by the governor and it shall make to him in writing, without publicity, a full report of the crime for which the applicant was sentenced, his physical and mental condition, his previous history and record, his domestic relations, his conduct while in prison and any other pertinent facts or circumstances, together with the conclusions and recommendations of said commission. No such report shall be made without the concurrence of a majority of its members.

Sec. 8. Commission may authorize employment of prisoners on highways, etc. 1917, c. 195, § 5. Said commission may authorize the employment of able-bodied prisoners, sentenced for any term less than life, in the construction or improvement of highways or on other public works within the state under such arrangements as may be made with the state highway commission or other department of the state having such public works in charge, and said commission shall prescribe such rules and conditions as it deems expedient to insure the proper care and treatment of the prisoners while so employed and their safe-keeping and return. Prisoners while so employed shall not be required to wear clothing which will materially distinguish them from other workmen.

Sec. 9. May require physical and mental examination. 1917, c. 195, § 6. The commission may require a physical and psychopathic examination of persons committed to the prison and shall keep a record thereof. At the request of the commission the superintendent and trustees of the state hospitals at Augusta and Bangor shall designate competent physicians employed at said hospitals to conduct such examinations and the actual expenses of physicians in making such examinations shall be paid from any funds in the state treasury available for the maintenance of the prison. The commission is authorized to transfer any prisoner to either of said hospitals for further study or observation of his mental condition if it is deemed advisable.

Sec. 10. Reward may be offered for apprehension of prisoners violating

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parole. 1917, c. 195, § 7. The warden, with the approval of the commission, may offer a reward not exceeding one hundred dollars for the apprehension and return of any prisoner released on parole who shall have violated the conditions of his release, and upon satisfactory proof that the terms of said offer have been complied with the governor, with the advice and consent of the council, shall draw his warrant upon the treasurer for the payment thereof.

Sec. 11. Jurisdiction of commission in matter of paroles. 1917, c. 195, § 8. The commission shall have exclusive jurisdiction in all cases in granting paroles [to prisoners under sentence to the state prison].

See c. 142, §§ 28-43.

Sec. 12. State probation officer. 1917, c. 72. The commission may appoint a state probation officer to serve during its pleasure and who shall perform such duties in connection with the employment, care and supervision of paroled convicts as the commission may determine. The compensation of said probation officer shall be established by the commission, subject to the approval of the governor and council, and he shall receive his necessary expenses incurred in the performance of his duty.

Sec. 13. Inspection of state prison; report of same. R. S. c. 142, § 7. 1917, c. 195, § 8. The commission shall meet at stated times at the prison, once at least in every three months and oftener if necessary, to inspect its concerns, the manner of keeping the books and accounts, and the register of punishments kept by the warden; and shall from time to time carefully examine the same, and keep a record of their doings; one of them at least shall visit the prison once in each month to examine into all its concerns, and see that its laws and regulations are observed, and the duties of the several officers faithfully performed, and to advise with the warden, when thereto requested; and each of them shall at all times have free access to all parts of the prison, and be allowed to inspect and examine all the books, accounts, and writings, pertaining to the prison, or its business, management, and government. And the commission, as soon as may be after each stated meeting, or oftener if necessary, shall transmit to the governor and council a transcript of the record of their doings, and such other information relative to the concerns of the prison, as they deem proper.

Sec. 14. Annual report. R. S. c. 142, § 8. 1917, c. 74. The commission on or before the thirtieth day of each September, shall make a report to the governor and council of the affairs of the prison for the year ending on the thirtieth day of June preceding. Said reports shall be printed biennially for the use of the legislature in such numbers [not exceeding one thousand] and in such form as the governor and council may determine; which report shall exhibit an account of the stock of different kinds on hand at the beginning and at the close of the year; the several sums expended for materials, provisions, fuel, clothing, bedding, lights, tools and other articles; the amount of manufactures of each kind, and of all other articles sold from the prison; the profit or loss upon each branch of business; and all other particulars necessary to give the legislature a full understanding of the fiscal and other concerns thereof; and shall, at the same time, furnish an estimate of the probable income and expense of the prison for the ensuing year.

Sec. 15. Commission to inquire into improper conduct of warden. R. S. c. 142, § 9. They shall inquire into any improper conduct, imputed to the warden or any subordinate officer in relation to the concerns of the prison; and, for that purpose, may issue subpoenas for witnesses, and compel their attendance and the production of papers and writings; may examine witnesses under oath,

administered by the chairman; and may adjudicate on such alleged improper conduct, in like manner and with like effect as in cases of arbitration.

^{71 Me. 259.}

Sec. 16. Commission to examine into disorderly conduct of prisoners and enforce obedience. R. S. c. 142, § 10. They shall examine into all disorderly conduct among the prisoners, and when it appears to them that a convict is disorderly, refractory or disobedient, they may order any punishment other than corporal which they deem necessary to enforce obedience, not inconsistent with humanity, and authorized by the established rules and regulations of the prison.

^{71 Me. 254, 260.}

Sec. 17. Commission to act as board of jail inspectors; duties. R. S. c. 142, § 12. 1917, c. 195, § 8. 1919, c. 56. The commission shall visit all the jails at least once in each year, and inquire into the management of the same, give such advice in relation thereto as they deem useful and proper; classify all convicts in said jails, having regard to age, character, and offenses; and for that purpose may order the county commissioners of either of the counties to make such alteration in their several jails as the inspectors deem necessary, in order to classify the convicts therein, and persons charged with crime; and if said commissioners, after such order, neglect or refuse to make such alteration, or to provide for the classification of convicts and persons charged with crime, the commission may cause said convicts and persons charged with crime to be removed to any jail where such alteration or provision for classification has been made, and the expense of the removal and keeping of such convicts or persons shall be paid by the county from which such convict or person is removed, and they may require the keeper of said jail to keep a calendar, with such statistics in relation to his jail as they may deem useful for future reference. Said commission may remove prisoners from jails where no arrangements have been made for the labor of convicts, to some work-jail, and when any jail has a larger number of convicts, either in custody or at labor than can be well accommodated, they may remove a portion of them to any other jail where better accommodations can be afforded. Any jail where arrangements have been made or shall be hereafter made for the labor of convicts committed for any special crime, or class of crimes, at any special kind of labor, shall be deemed a work-jail. For the removal of convicts as aforesaid, the commission may issue precepts to any officer qualified to serve precepts in criminal cases in his county, to cause such removal, whether such service is performed in whole or in part in one or more counties, and the expense of removal shall be paid by the county in which such convicts were sentenced. The commission shall make a report of the conditions of all the prisons to the governor and council by the thirtieth day of November annually.

Sec. 18. Warden shall not be concerned in trade or commerce; his duties. R. S. c. 142, § 13. The warden shall not carry on or be concerned in trade or commerce during his continuance in office; he shall reside constantly within the precincts of the prison, and have the care, custody, and charge thereof, and of the convicts therein, in conformity to their sentences, and of the lands, buildings, machines, tools, stock, provisions, and every other kind of property belonging to or within its precincts. He shall be the treasurer of the prison, receive, pay out and be accountable for all moneys granted for its maintenance, or derived from the manufactures or other concerns thereof; make in the books of the prison regular entries of all its pecuniary and other concerns, and, on the first days of March, June, September and December of each year, he shall render to the commission a fair account of all the expenses and disbursements, receipts

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and profits of the prison, with sufficient vouchers therefor, and a statement of its general affairs, for the quarter past, including the number of convicts received and discharged during the quarter, and the number remaining; and he shall also, on the same days, render, under oath, a similar account and statement, examined and approved by the commission, to the governor and council, with whom he shall settle all his accounts, whenever required.

Sec. 19. His government in the prison. R. S. c. 142, § 14. He shall inspect and oversee the conduct of the convicts, and cause all the rules of the prison to be strictly and promptly enforced; he shall give the commission immediate information of any officer who refuses or neglects to enforce the discipline established, and they shall forthwith remove any officer guilty of such neglect. He may punish any convict for disobedience, disorderly behavior, or indolence, as directed by the commission or prescribed in the rules, and shall keep a register of all such punishments, and the causes for which they are inflicted.

71 Me. 254, 259.

Sec. 20. Warden shall keep a record of each convict's conduct, and recommend a deduction of sentence. R. S. c. 142, § 15. He shall keep a record of the conduct of each convict, and for every month, during which it thereby appears that such convict has faithfully observed all the rules and requirements of the prison, the warden may recommend to the executive, a deduction of seven days from the term of said convict's sentence, except those sentenced to imprisonment for life. Provided, however, that this section shall not lessen the deduction, to which any convict under sentence on the thirteenth day of April in the year eighteen hundred and eighty-nine, would be entitled under the provisions of law then existing.

Sec. 21. Record submitted quarterly. R. S. c. 142, § 16. The record, with the recommendation of deduction provided in the preceding section, shall be submitted by the warden to the governor and council once in three months.

71 Me. 254.

Sec. 22. Service of precepts within the prison walls; command of the guard, officers and employees; service of a writ of replevin. R. S. c. 142, § 17. The warden or his deputy shall serve, execute, and return, all processes within the exterior walls of the prison yard, and they shall be directed to him or his deputy accordingly; and for the doings of his deputy, both the warden and the deputy shall be answerable. The warden shall have command of all the force for guarding the prison, and of all officers and persons employed under him in overseeing, guarding, and governing it. For serving executions and returning processes, like fees shall be taxed as for sheriffs. The warden, on demand of an officer having a writ commanding him to replevy from the warden's possession, any goods or chattels of a private individual, not a prisoner, shall expose them outside of the prison yard, so that they may be replevied. The officer shall pay the warden a reasonable charge for removal, and tax the same in his fees on the writ.

50 Me. 291; 74 Me. 239.

Sec. 23. Accounts of bills of supplies, and services. R. S. c. 142, § 18. The warden shall take bills of the quantity and price of supplies furnished for the prison, at the time of delivery, and exhibit them to the clerk, who shall compare them with the articles delivered; and if they are found correct, he shall enter them, with the date, in a book kept for that purpose; in like manner bills shall be taken and entered of all services rendered for the prison; and if any such bill is found incorrect, the clerk shall omit to enter it and immediately give notice to the warden, that the error may be corrected. Vouchers for all expenditures

shall be taken in duplicate, and one copy of each shall be filed at the prison and the other with the state auditor.

Sec. 24. Warden shall contract for sale of articles from the prison; security. **R. S. c. 142, § 19.** All sales of articles from the prison, and the letting to hire of such of the convicts as the commission deem expedient, and all other contracts on account of the prison, shall be made with the warden, in the manner prescribed by the commission. No such contract shall be accepted by the warden, unless the contractor gives satisfactory security for its performance; and no officer of the prison shall be directly or indirectly interested therein.

Sec. 25. Service of the warrant for the removal of convicts. **R. S. c. 142, § 20.** When the warden receives from any sheriff a warrant requiring him to remove a convict to the prison, he shall, by himself or such other person as he appoints or contracts with for that purpose, forthwith cause such warrant to be executed in the least expensive manner consistent with security of the convict; and he shall file said warrant, with his return thereon, in his office, and cause a copy of it to be filed in the office of the clerk of the court from which it issued.

See c. 147, § 47.

Sec. 26. Convicts en route may be temporarily lodged in jails, at the state's expense. **R. S. c. 142, § 21.** When, during the conveyance of any such convict to the state prison in pursuance of his sentence, it is necessary or convenient to lodge him for safe-keeping in any jail until the residue of such conveyance can be conveniently performed, the keeper of such jail shall receive and safely keep and provide for him, until called for by the person employed to convey him as aforesaid, into whose custody he shall be delivered; and said jail keeper shall be allowed his reasonable charge and expenses incurred thereby, to be paid from the state treasury. When the warden believes that there are more convicts in the state prison than can be confined there securely, he shall certify the fact to the governor and council, who may authorize him to transfer them, so far as is necessary, to some jail; and the jailer thereof shall receive such compensation from the state treasury as he and the warden agree upon; but when the accommodations of the prison shall be so increased that they can be safely confined therein, the warden shall remove them from such jail to the state prison. The time during which they were so confined in jail shall be deducted from their sentences.

Sec. 27. Actions by or against the warden, officially; may sue for injuries to state property. **R. S. c. 142, § 22.** Actions, founded on any contract made with the warden in his official capacity, may be brought by or against the warden for the time being; and actions for injuries done or occasioned to the real or personal property of the state, and appropriated to the use of the state prison, or under the management of the warden thereof, may be prosecuted in his name; and no such action shall abate by the retirement, removal or death of the warden, but his successor, upon notice, shall assume its prosecution or defense. Neither the warden's person nor property shall be taken or attached in such suit, nor shall any execution issue against him on any judgment therein, but it shall stand as an ascertained claim against the state. And when a new warden is appointed, all the books, accounts, and papers belonging to the prison, shall be delivered to him, and he shall be vested with all the powers of his predecessor and be subject to all his obligations with regard to all contracts, and debts due to or from the prison.

Sec. 28. Warden may convey certain real estate. **R. S. c. 142, § 23.** The warden, under direction of the governor and council, may sell and convey any

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real estate, to which he acquires title in behalf of the state, in the adjustment of debts due to the prison.

Sec. 29. Warden may refer controversies. R. S. c. 142, § 24. When a controversy arises respecting any contract or claim on account of the state prison, or a suit is pending thereon, the warden may submit the same to the determination of arbitrators or referees approved by the commission.

Sec. 30. Warden exempt from arrest; procedure of creditor with an execution against him. R. S. c. 142, § 25. The warden shall not be arrested on any civil process or execution while in office; but execution upon any judgment against him personally, and not in his official capacity, may be issued against his goods and estate only; and if it is returned unsatisfied, the creditor may file with the governor and council a copy of such execution and return, and serve on the warden a copy of such copy attested by the secretary of state, with a notice under his hand of the day on which such copy was filed; and if the warden does not, within forty days after such service, pay the creditor his full debt, with reasonable costs for copies and service thereof, he shall be removed; and when he ceases to be warden, alias executions may be issued against his body and property as in other cases.

Sec. 31. Powers, duties and liabilities of deputy warden. R. S. c. 142, § 26. When the office of warden is vacant, or the warden is absent from the prison, or unable to perform the duties of his office, the deputy warden shall have the powers, perform the duties and be subject to all the obligations and liabilities of the warden.

Sec. 32. If the office of warden is vacant, deputy to give bond and act as warden and treasurer and receive warden's pay. R. S. c. 142, § 27. If the office of warden becomes vacant when the governor and council are not in session, the commission may require the deputy warden to give bond to the state, in the sum of five thousand dollars, with sufficient sureties to be by them approved, conditioned for the faithful discharge of his duties as deputy warden and treasurer; and, from the time that the bond is approved, the deputy shall receive the salary and emoluments of the warden instead of his former pay, while he performs the duties of the office; if he does not give such bond when required, the commission may remove him, and appoint a warden pro tempore, who shall give bond similar to that required of the deputy warden, have the power and authority, perform the duties, and receive the salary and emoluments of the warden, until a warden is appointed and enters on the discharge of his duties; and in such case, until the warden pro tempore is so appointed and gives bond, the commission, or either of them, shall be vested with all the powers and duties of warden.

Sec. 33. Duties of the clerk. R. S. c. 142, § 28. The clerk shall keep an account of all supplies purchased for the use of the prison, and of all articles sold and delivered therefrom; assist in effecting sales and purchases under direction of the warden; attend meetings of the commission, when they request it; keep a record of their proceedings; and perform any other services directed by the commission or warden, pertaining to his employment and the superintending of the prison.

Sec. 34. Overseers. R. S. c. 142, § 29. Persons having suitable knowledge and skill in the branches of labor and manufactures carried on in the prison, shall, when practicable, be employed to superintend such branches as are assigned to them by the warden; and all of them and the other subordinate officers shall perform the services in the management, superintending, and guarding of the prison, as prescribed by the rules, or directed by the warden.

Sec. 35. Neglect of subordinate officers, how punished. R. S. c. 142, § 30. If any such subordinate officer is guilty of negligence or unfaithfulness in the discharge of his duties, or of a violation of any of the laws or rules for the government of the prison, the warden, with the approbation of the commission, may deduct from his wages a sum not exceeding a month's pay.

Sec. 36. Officers of state prison may be retired and pensioned. R. S. c. 142, § 31. The warden may, with the approval of the governor and council, retire from active prison service and place upon a pension roll, any officer of the prison, who has been employed in the prison service in the state, with a good record, for the term of thirty years or who, after twenty years of continuous service in said prison, has attained the age of sixty years.

See c. 158, § 9.

Sec. 37. Terms "prison service" and "good record", how construed. R. S. c. 142, § 32. The words "prison service" as used in the preceding section shall be construed to mean service in the state prison, and an officer of the state prison, shall, for the purpose of said section, be credited with all the time which he has served as an officer, with a good record. The words "good record" shall be construed to mean that the officer has not been discharged for misconduct from the state prison, or that, if so discharged, it was afterwards found that he was not at fault; and the restoration to duty or reappointment in the prison from which he was discharged shall be sufficient evidence for the exoneration of any officer.

Sec. 38. Amount of pension; conditions for retirement and pension. R. S. c. 142, § 33. An officer who is retired, as provided in section thirty-six, shall be allowed a pension which shall be paid from the state treasury, equal to one-half the salary he was receiving at the time of his retirement. Prison officers shall only be retired and pensioned, as provided in section thirty-six upon the recommendation of the warden, approved by the commission, and by the governor and council.

Sec. 39. Employment of convicts. R. S. c. 142, § 34. No more than twenty per cent of all the male convicts in the prison, shall be employed at any time, in any one industry, or in the manufacture of any one kind of goods and so far as practicable, the industries upon which said convicts shall be employed, shall be the manufacture of articles not elsewhere manufactured in this state. The manufacture and repair of all kinds of wagons, carriages and sleighs except the manufacture of infants' carriages, shall be considered one industry within the meaning of this section. This section shall not apply to the manufacture by said convicts, of any kind of goods which were not on the first day of January in the year one thousand eight hundred and eighty-eight, elsewhere manufactured in the state.

Sec. 40. Articles shall be labeled. R. S. c. 142, § 35. All articles and goods manufactured at the prison for sale shall be distinctly labeled or branded with these words "Manufactured at the Maine State Prison."

Sec. 41. Appointment and duties of prison physician. R. S. c. 142, § 36. The commission and warden shall appoint some suitable person physician and surgeon of the prison, who shall visit the same daily, and whenever requested by the warden, to attend and prescribe for sick convicts, and to examine all convicts claiming to be ill, and determine their ability to work. He shall see that proper attention is paid to the clothing, regimen, and cleanliness of those in the hospital, and advise when illness of any convict requires his removal thereto; and upon such advice and in other cases when he deems it necessary, the warden shall cause any sick convict to be forthwith removed to the hospital, there to receive

such care and attention and to be furnished with such medicines and diet, as his situation requires, until the prison physician determines that he may leave it without injury to his health.

Sec. 42. Pestilence or contagious sickness. R. S. c. 142, § 37. If a pestilence or contagious sickness breaks out among the convicts in the prison, the commission and warden may cause any of them to be removed to some suitable place of security, where they shall receive all necessary care and medical assistance; and to be returned as soon as may be to the prison, to be confined according to their sentences, if unexpired.

Sec. 43. Officers suffering an escape, or allowing convict to go at large; penalty. R. S. c. 142, § 38. If any officer, or other person employed in the state prison or its precincts, voluntarily suffers, aids, or connives at the escape of a convict therefrom, he shall be imprisoned in the state prison for any term not greater than the whole term for which the convict was sentenced; and if he negligently suffers any convict confined therein to be at large out of the precincts of the prison, or the cell or apartment assigned to him, or to be conversed with, relieved or comforted, contrary to law or the rules of the prison, he shall be fined not exceeding five hundred dollars.

Sec. 44. Rescue, or aiding prisoners to escape; penalty. R. S. c. 142, § 39. whoever forcibly rescues or attempts to rescue any convict sentenced to the state prison, from the legal custody of any officer or other person, or from the state prison, jail or other place where he is legally confined, or causes to be conveyed to such convict, into such jail, state prison, or other place, any tool, instrument, weapon or other aid, with intent to enable him to escape, shall, whether an escape is effected or not, be imprisoned in the state prison not more than twenty years, or fined not exceeding five hundred dollars.

Sec. 45. Conveying, or attempting secretly to convey, any article to a convict; penalty. R. S. c. 142, § 40. If any officer, contractor, teamster, or other person delivers or has in his possession, with intent to deliver to any convict confined in the state prison, or deposits, or conceals, in any place in or about the prison or its precincts, or in any wagon or other vehicle going thereto, any article, with intent that any convict therein shall obtain it, without consent or knowledge of the warden or deputy warden, he shall be imprisoned in the state prison not more than two years, or be fined not exceeding five hundred dollars and imprisoned not more than six months.

Sec. 46. Penalty for convict assaulting an officer, and for escape; prosecution. R. S. c. 142, § 41. If a convict, sentenced to the state prison for a limited term of years, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts so to do, he may, at the discretion of the court, be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence. The warden shall certify the fact of a violation of the foregoing provisions to the county attorney for the county of Knox, who shall prosecute such convict therefor.

^{74 Mc 162.}

Sec. 47. Punishment. R. S. c. 142, § 42. Solitary confinement, as a punishment for the violation of the rules of the prison, shall be inflicted upon the convict in a cell and he shall be fed on bread and water only, unless the physician certifies to the warden that the health of such convict requires other diet.

^{71 Me. 254.}

Sec. 48. If resisted, officers shall use force. R. S. c. 142, § 43. If a convict sentenced to the state prison resists the authority of any officer, or refuses to

obey his lawful commands, the officer shall immediately enforce obedience by the use of weapons or other effectual means; and if, in so doing, a convict thus resisting is wounded or killed by the officer and his assistants, they shall be justified.

^{71 Me. 260.}

Sec. 49. Warden to keep arms and ammunition, etc. R. S. c. 142, § 44. The warden shall constantly keep on hand a suitable and sufficient supply of arms and ammunition, at the expense of the state, and may require all officers and other citizens to aid him in suppressing an insurrection among the convicts in prison, and in preventing their escape or rescue therefrom, or from any other legal custody or confinement; and if, in so doing, or in arresting any convict who has escaped, they wound or kill such convict or those aiding him, they shall be justified.

^{71 Me. 260.}

Sec. 50. Application of §§ 41-47. R. S. c. 142, § 45. The four preceding sections apply to convicts and officers in the county jails having workshops attached thereto, and in any county farm that may be established for the reformation of inebriates.

Note. County farm in Penobscot county, P. & S. L., 1913, c. 191.

Sec. 51. Measures to retake convicts, escaping; aiding convicts to escape, how to be punished. R. S. c. 142, § 46. When a convict escapes from the state prison, the warden shall take all proper measures for his apprehension; and may in behalf of the state offer a reward not exceeding fifty dollars for his apprehension and delivery. Whoever, not standing in the relation of husband or wife, parent or child, to the principal offender, conceals, harbors, or in any way aids any convict escaping from the state prison, knowing him to be such; or furnishes such convict with food, clothing, weapon, matches, or other article, or information that would aid him to escape recapture, shall be punished by imprisonment in the state prison for a term not exceeding the whole time for which the convict was sentenced, or by fine not exceeding five hundred dollars.

Sec. 52. When term commences. R. S. c. 142, § 47. No convict shall be discharged from the state prison, until he has served the full term for which he was sentenced, including the day on which he was received into it, unless he is pardoned, or otherwise released by legal authority.

^{71 Me. 246, 253, 259.}

Sec. 53. Convict's property shall be taken care of by warden. R. S. c. 142, § 48. The warden shall receive and take care of any property that a convict has with him at the time of his entering the prison; when it is convenient, place the same at interest for his benefit; keep an account thereof, and pay the same to him on his discharge, or, in case of his death, to his representatives, unless otherwise legally disposed of.

Sec. 54. Provision for convicts, on discharge. R. S. c. 142, § 49. On the discharge of any convict who has conducted himself well during his imprisonment, the warden may give him from the funds of the prison a sum not exceeding ten dollars, and, if he requests it, a certificate of such good conduct; and shall take care that every convict on his discharge is provided with decent clothing.

Sec. 55. Fees from visitors. R. S. c. 142, § 50. The warden may demand and receive of each person visiting the prison for the purpose of viewing the interior or precincts, a sum not exceeding twenty-five cents, under such regulations as the commission prescribe, which sum shall be expended, under direction of the teacher, in the purchase of schoolbooks for use of the prisoners.

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Sec. 56. Alterations may be made by warden, under the commission. R. S. c. 142, § 51. The warden, on recommendation of the commission and with the approbation of the governor and council, may make such additional buildings or alterations within the prison or its precincts, as they deem necessary and proper.

Sec. 57. Chaplain of state prison; duties. R. S. c. 142, § 53. 1917, c. 195, § 3. The chaplain shall, in accordance with the rules of the prison, perform religious services in the chapel every Sunday, visit the sick, labor diligently and faithfully for the mental, moral and religious improvement of the convicts, and aid them when practicable in obtaining employment after their discharge. With the assent of the inspectors, a Sunday-school may be established, and persons from without, of proper character, may be admitted to assist in it.

Reformatory for Women.

Sec. 58. Establishment and maintenance of reformatory for women. R. S. c. 142, § 56. The state shall establish and maintain a reformatory in which all women over the age of sixteen years who have been convicted of or have pleaded guilty to crime in the courts of the state or of the United States, and who have been duly sentenced and removed thereto, shall be imprisoned and detained in accordance with the sentences or orders of said courts and the rules and regulations of said reformatory.

Sec. 59. Appointment of trustees; their powers and duties; tenure and removal; vacancies. R. S. c. 142, § 57. The general superintendence, management and control of said reformatory, of the grounds and buildings, officers and employees thereof, of the inmates therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof shall be vested in a board of five trustees, inhabitants of the state, of whom at least two shall be women. The board shall be known as "Trustees of the Reformatory for Women." They shall be appointed by the governor, with the advice and consent of the council, for terms of five years each, and shall be so appointed that the term of one member of the board shall expire on the first day of each February. Any vacancy occurring during a term shall be filled by the appointment of a person to hold office for the remainder of the term of the person whose place he or she fills; any trustee may be removed from office by the governor and council, for cause.

Sec. 60. Organization of the board; appointment of superintendent; authority to make rules and regulations and to parole or discharge inmates. R. S. c. 142, § 58. The board shall appoint from their number a president and a secretary, who shall hold office for such terms as shall be fixed by the board. They shall appoint a woman superintendent who shall hold office during their pleasure, and shall fix the compensation of such superintendent and of all other officers and employees. They may make such rules and regulations as may seem to them necessary, for carrying out the purposes of the institution. The board of trustees shall constitute a board of parole, and may parole or discharge inmates as hereinafter provided.

See c. 157, § 1.

Sec. 61. Authority and duties of superintendent. R. S. c. 142, § 59. The superintendent may appoint and remove all subordinate officers and employees. Subject to the direction and control of the board of trustees, she shall have the general supervision and control of the grounds and buildings of the institution, the subordinate officers and employees and inmates thereof, and all

matters relating to their government and discipline; may make such rules, regulations and orders, not inconsistent with law, or the rules, regulations or directions of the board of trustees, as may seem to her proper or necessary for the government of such institution and its officers and employees, and for the employment, discipline, and education of the inmates thereof; shall exercise such other powers and perform such other duties as the board of trustees may prescribe.

Sec. 62. Trustees shall report to the governor and council. R. S. c. 142, § 60. 1917, c. 74. On or before the thirtieth day of September in each year the trustees shall furnish a report to the governor and council containing the history of the institution for the year ending on the thirtieth day of June preceding, with a complete statement of all accounts and all funds, general and special appropriated or belonging to said institution with a detailed statement of these disbursements. The accounts of said board shall be audited by the state auditor. Said reports shall be printed biennially for the use of the legislature.

Sec. 63. Commitment, length of sentence, woman attendant in serving mittimus. R. S. c. 142, § 61. 1919, c. 106. When a woman over the age of sixteen years is convicted before any court or trial justice having jurisdiction of the offense, of an offense punishable by imprisonment in the state prison, or in the county jail, or in any house of correction, such court or justice may order her commitment to the reformatory for women, or sentence her to the punishment provided by law for the same offense. When a woman is sentenced to the reformatory for women, the court or trial justice imposing the sentence shall not prescribe the limit thereof, unless it be for a term of more than five years; but no woman committed to the reformatory upon a sentence within the prescribed limit, as aforesaid, shall be held therein for more than five years if sentenced for a felony, nor for more than three years if sentenced for a misdemeanor. If the sentence imposed upon any woman be for more than five years, she shall be so held for such longer term. Upon commitment of such woman, if the officer to whom the mittimus or order of commitment is addressed is not a woman, the judge or trial justice shall in all cases when feasible designate a woman to be an attendant to accompany her to said reformatory. The expenses of said woman shall be paid by the county in which the commitment is made.

Sec. 64. Sentence not void because for a definite period. R. S. c. 142, § 62. If, through oversight, or otherwise, any person be sentenced to imprisonment in the said reformatory for women for a definite period of time, said sentence shall not for that reason be void; but the person so sentenced shall be entitled to the benefit, and subject to the liabilities of sections sixty-three to seventy-three inclusive of this chapter, in the same manner and to the same extent as if the sentence had been in the terms required by said sections. In such case said trustees shall deliver to such offender a copy of said sections.

Sec. 65. Record of commitments shall be kept by superintendent. R. S. c. 142, § 63. The judge or magistrate committing a woman to the reformatory, shall cause the superintendent to be immediately notified of such commitment, and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offense, the last place of residence of such woman, and the particulars of the offense for which she is committed. A copy of such record shall be transmitted with the warrant of commitment to the superintendent of such institution, who shall cause the facts stated there-

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in and such other facts as may be directed by the board of trustees to be recorded in such form as the board of trustees shall determine.

Sec. 66. Age of woman committed shall be determined and stated in mittimus; effect. R. S. c. 142, § 64. Such judge or magistrate shall, before committing any such woman, inquire into and determine the age of such woman at the time of her commitment, and her age as so determined, shall be stated in the mittimus. The statement of the age of such woman in such mittimus shall be conclusive evidence as to such age in any action to recover damages for her detention or imprisonment under such mittimus, and shall be presumptive evidence thereof in any other inquiry, action, or proceeding relating to such detention or imprisonment.

Sec. 67. Care of children of women committed. R. S. c. 142, § 65. 1919, c. 107. If any woman committed to said reformatory is, at the time of her commitment, the mother of a nursing child in her care and under one year of age, or is pregnant with child which shall be born after such commitment, such woman may retain such child in said reformatory until it shall be two years of age, when it must be removed therefrom. The board of trustees may cause such child to be placed in any asylum for children in this state and pay for the care and maintenance of such child therein until the mother of such child shall have been discharged, or may commit such child to the care and custody of some relative or proper person willing to assume such care. If such woman, at the time of such commitment, shall be the mother of and have under her exclusive care, a child more than one year of age, which might be otherwise left without proper care or guardianship, the magistrate committing such woman shall cause such child to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care. Any commitment of a child under the provisions of this section to the custody of any asylum for children or to any relative or other person, shall be subject to the provisions of section fifty-six of chapter seventy-two.

Sec. 68. Trustees may issue liberty permit in certain cases; revocation; return for unexpired term. R. S. c. 142, § 66. When it appears to the trustees that a woman who has been sentenced to the reformatory for women has reformed, they may issue to her a permit to be at liberty, provided that some suitable employment or situation has been secured in advance for such woman, upon such other conditions as they shall prescribe, during the remainder of the term for which she might otherwise be held in said reformatory, and they may revoke said permit at any time before its expiration; but no such permit shall be issued to any woman who has been sentenced for more than five years. If a permit so issued be revoked, or if a woman escapes from the reformatory, the board of trustees may cause her to be rearrested and returned thereto for the unexpired portion of her term, dating from the time of her escape or the revocation of her permit. Any inmate ordered returned to the reformatory may, on the order of the superintendent or other officer of the institution, be arrested and returned to the reformatory or to any officer or agent thereof, by any sheriff, constable, police officer, state agent for the protection of children or other person, and may also be arrested and returned by any officer or agent of the reformatory.

Sec. 69. Escape of inmate; penalty for aiding. R. S. c. 142, § 67. 1921, c. 12. 1925, c. 198. Whoever advises, induces, aids, or abets any woman committed to said reformatory or to the charge or guardianship of said trustees

to escape from the reformatory, or from the custody of any person to whom such woman has been entrusted by said trustees or by their authority, or knowingly harbors or secretes any woman who has escaped from said reformatory, or from the custody, authority, or control of said trustees, or from any person to whom such woman has been entrusted by said trustees or by their authority, or elopes with any such woman, or without the consent of said trustees marries any such woman during the term of her commitment, shall be fined not more than five hundred, nor less than one hundred dollars, or be imprisoned not exceeding one year; and any woman who has so escaped may, whether the limit of her original sentence shall have expired or not, be arrested and detained, without warrant, by any officer authorized to serve criminal precepts, for a reasonable time to enable the superintendent or a trustee of said reformatory, or a person authorized in writing by such superintendent or trustee and provided with the mittimus by which such woman was committed, or a certified copy thereof, to take such woman for the purpose of returning her to said reformatory; but during such detention she shall not be committed to jail, and the officer arresting her shall be paid by the state a reasonable compensation for her arrest and keeping. Any woman lawfully committed to said reformatory who escapes therefrom, or who violates the condition of any permit by which she may have been allowed to be at liberty under the preceding section, shall be punished by additional imprisonment in said reformatory for not exceeding one year for each such offense. Prosecution under this section may be instituted in any county in which said woman may be arrested or in the county of Somerset, but in such case the costs and expense of trial shall be paid by the county from which said woman was originally committed, and payment enforced as provided in section seventy of this chapter.

Sec. 70. Expense of trial for crime committed while an inmate. R. S. c. 142, § 68. Whenever any inmate of the reformatory for women, not having been sentenced thereto by the court of the county wherein such reformatory for women shall be established, shall be convicted in such county of any misdemeanor or felony committed while an inmate of the said reformatory, the cost and expenses of trying such convicted inmate, and of her maintenance after conviction and sentence, if to the county jail of such county, shall be paid by the county from which the said convicted inmate was sentenced; the costs and expenses of the trial of such convicted inmate shall, in the first instance, be paid by the county wherein such reformatory for women shall be established, and the commissioners thereof may thereupon draw their warrant upon the treasurer of the county, from which said convicted inmate was sentenced to the reformatory, for the amount so paid by the said county wherein such reformatory shall be established, for said costs and expenses, and the treasurer upon whom said warrant may be drawn shall pay it forthwith.

Sec. 71. Governor may grant pardon. R. S. c. 142, § 69. Nothing herein contained shall be construed to interfere with the power of the governor to grant a pardon or commutation in any case.

Sec. 72. Employment of women committed. R. S. c. 142, § 70. The board of trustees shall determine the kind of employment for women committed to the reformatory and shall provide for their necessary custody and superintendence. The provisions for the safe-keeping or employment of such women shall be made for the purpose of teaching such women a useful trade or profession, and improving their mental and moral condition.

Sec. 73. Incurrigible inmates; trial and sentence; discharge from reformatory. R. S. c. 142, § 71. 1925, c. 197. Any person committed to the reforma-

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tory for women whose presence therein may be seriously detrimental to the well-being of the institution or who wilfully and persistently refuses to obey the rules and regulations of said institution, may be deemed and declared an incorrigible. Upon complaint to any judge of any municipal court having jurisdiction, he may upon hearing bind over any person so accused to the term of the supreme or superior court next to be holden, within such county, and if indictment is returned therefor, then upon conviction said incorrigible may be sentenced to the state prison for not less than one year nor more than five years. Upon conviction as such incorrigible and sentence as above provided said person shall be discharged from said reformatory and be relieved from serving the balance of sentence in said reformatory.

Sec. 74. Transfer to reformatory from other penal institutions. 1917, c. 265. Upon petition of the trustees of the reformatory for women asking for the transfer to the reformatory for women of any woman serving sentence in the state prison, in any county jail, or in any house of correction, presented to the court or trial justice having imposed sentence, the judge or magistrate shall set a time for hearing, giving at least forty-eight hours' notice to said woman, and shall notify the custodian of said woman to bring said woman before him for hearing. After hearing, said judge or said magistrate may order said woman transferred to the reformatory for women to serve the remainder of the term of sentence under which said woman was committed to the state prison, county jail, or house of correction. The provisions of chapter one hundred fifty-two of the revised statutes in regard to original commitments to the reformatory shall apply to any transfer under this act, but in no case shall the time of sentence to be served in the reformatory exceed the remaining time of the sentence originally imposed. A woman transferred under this act shall be subject to the provisions of this chapter relating to the reformatory and to the same rules and regulations as inmates originally committed to the reformatory.

Reformatory for Men.

Sec. 75. Reformatory for men over sixteen years old to be established. 1919, c. 182, § 1. 1923, c. 58, § 1. The state shall establish and maintain a reformatory in which all males over the age of sixteen years and under the age of thirty-six years who have been convicted of or have pleaded guilty to crime in the courts of this state or of the United States, and who have been duly sentenced and removed thereto, shall be imprisoned and detained in accordance with the sentences or orders of said courts and the rules and regulations of said reformatory.

Sec. 76. Trustees to be appointed; tenure of office; vacancies. 1919, c. 182, § 2. The governor shall, with the advice and consent of the council, appoint five persons, all of whom shall be inhabitants of this state, to be trustees of such reformatory. The terms of office of such trustees shall be five years, [as the terms of the present members expire] subject to removal by the governor and council for cause shown, and they shall be so appointed that the term of one of them shall expire on the first Tuesday of February in each year. Any person appointed to fill a vacancy in the board of trustees shall hold office for the remainder of the term of the person whom he succeeds.

Sec. 77. Duties of trustees; to act as board of parole. 1919, c. 182, § 3. Said board of trustees shall have general superintendence, management, and control of said reformatory, of the grounds and buildings, officers and employees thereof, of the inmates therein, and of all matters relating to the gov-

ernment, discipline, contracts, and fiscal concerns thereof, and may make such rules and regulations as may seem to them fitting and necessary for carrying out the purposes of the institution. Such board of trustees shall constitute a board of parole and shall have power to parole or discharge inmates therein as hereinafter provided.

Sec. 78. Organization of trustees; appointment and compensation of superintendent. 1919, c. 182, § 4. The board of trustees shall appoint from among its members a president and secretary, who shall hold office for such duration of time as the board may determine. They shall appoint a superintendent who shall hold office during the pleasure of said trustees, and shall fix his compensation as well as the compensation of all other officers and employees. No member of the board of trustees shall be eligible to appointment as superintendent during the term for which he has been appointed a trustee.

Sec. 79. Powers and duties of superintendent. 1919, c. 182, § 5. The superintendent shall, subject to the direction and control of the board of trustees:

First. Have the general supervision and control of the grounds and buildings of said reformatory, the subordinate officers and employees and inmates thereof, and all matters touching their government and control.

Second. Make such rules, regulations, and orders not inconsistent with law, or the rules and regulations or directions of the trustees, as may seem to him proper and fitting for the government of the reformatory and its officers and employees, and for the employment, discipline, and education of the inmates thereof.

Third. Exercise such other powers and perform such other duties as the board of trustees may prescribe.

Such superintendent shall have power to appoint and remove all subordinate officers and employees.

Sec. 80. Trustees to make annual report. 1919, c. 182, § 6. On or before the thirtieth of September in each year, the trustees shall furnish a report to the governor and council, containing a history of the institution for the year ending on the thirtieth of June preceding, and a complete statement of all accounts, with all the funds, general and special, appropriated or belonging to said institution and a detailed statement of disbursements.

Sec. 81. Commitments for less than five years; to be of indeterminate duration. 1919, c. 182, § 7. 1923, c. 58, § 2. When a male over the age of sixteen years and under the age of thirty-six years is convicted before any court or trial justice having jurisdiction of the offense, of an offense punishable by imprisonment in the state prison, or in any county jail, or in any house of correction, such court or trial justice may order his commitment to the reformatory for men, or sentence him to the punishment provided by law for the same offense. When a male is sentenced to the reformatory for men, the court or trial justice imposing the sentence shall not prescribe the limit thereof, but no man committed to the reformatory as aforesaid shall be held for more than five years if sentenced for a felony; nor for more than three years if sentenced for a misdemeanor after a prior conviction of crime, otherwise for not more than one year.

If through oversight, or otherwise, any person be sentenced to imprisonment in the said reformatory for men for a definite period of time, said sentence for that reason shall not be void; but the person so sentenced shall be entitled to the benefit, and subject to the provisions of this act, in the same manner and to the same extent as if the sentence had been in the terms required by

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this act. In such case said trustees shall deliver to such offender a copy of sections seventy-five to eighty-nine inclusive of this chapter.

Sec. 82. Court to notify superintendent of commitments and to furnish copy of record with warrant. 1919, c. 182, § 8. The judge or trial justice making a commitment pursuant to section eighty-one, shall cause the superintendent of the reformatory to be notified immediately of such commitment and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offense, the last residence of such person so committed, and the particulars of the offense for which he is committed. A copy of such record shall be transmitted with the warrant of commitment to the superintendent of such reformatory, who shall cause the facts stated therein and such other facts as may be directed by the board of trustees to be recorded in such form as the trustees may direct.

Sec. 83. Court to determine age of person committed. 1919, c. 182, § 9. Such judge or trial justice shall, before committing any such person, inquire into and determine the age of such person at the time of commitment, and his age so determined, shall be stated in the mittimus. The statement as to the age of said person so committed shall be conclusive evidence as to such age in any action to recover damages for his detention or imprisonment under such mittimus, and shall be presumptive evidence thereof in any other inquiry, action, or proceeding relating to such detention or imprisonment.

Sec. 84. Condition of parole; penalty for aiding inmate to escape; costs of trial and commitment of inmates of reformatory. 1919, c. 182, § 10. 1921, c. 21. When it is made to appear to the trustees that a person who has been committed to the reformatory has reformed, they may issue to him a permit to be at liberty providing that some suitable employment or situation has been secured in advance for such person, and upon such other conditions as the trustees shall prescribe during the remainder of the term for which he might otherwise be held in said reformatory, and they may revoke such permit at any time before its expiration; *but no such permit shall be issued to any person who has been sentenced to said reformatory for more than five years.* If any permit so issued is revoked by the trustees, or if any person so committed shall escape from said reformatory, the board of trustees may cause him to be re-arrested and returned thereto for the unexpired portion of the original term for which he was sentenced, dating from the time of escape or the revocation of the said permit. Any inmate ordered returned to the reformatory may, on the order of the superintendent or other officer of the institution be arrested and returned to the reformatory, or to any officer or agent thereof, by any sheriff, constable, police officer, state agent for the protection of children, or other person, and may also be arrested and returned by any agent or officer of the reformatory.

Whoever advises, induces, aids, or abets any person so committed to said reformatory or to the charge or guardianship of said trustees to escape from said reformatory, or from the custody of any person to whom such person has been entrusted by said trustees or by their authority, or knowingly harbors or secretes any person who has escaped from said reformatory, or from the custody, authority, or control of said trustees, or from any person to whom such person so committed has been entrusted by said trustees or by their authority, shall upon conviction be fined not more than five hundred dollars nor less than one hundred dollars, or be imprisoned not exceeding one year. Any person who has so escaped may, whether the limit of his original sentence

shall have expired or not, be arrested and detained, without a warrant, by any officer authorized to serve criminal process, for a reasonable time to enable the superintendent or a trustee of said reformatory, or a person authorized in writing by such superintendent or trustee and provided with a mittimus by which such person was committed, or a certified copy thereof, to take such person for the purpose of returning him to said reformatory; but during such detention, he shall not be committed to any jail, and the officer arresting him shall be paid by the state a reasonable compensation for his arrest and keeping. Any person lawfully committed to said reformatory who escapes therefrom, or who violates the condition of any permit by which he may have been allowed to be at liberty under the foregoing paragraph, shall be punished by imprisonment in said reformatory for not exceeding one year to commence at the expiration of the term for which he was originally committed. Prosecution under this section may be instituted in any county in which said person may be arrested or in the county of Cumberland but in such case the costs and expense of trial shall be paid by the county from which said person was originally committed, and payment enforced as provided in the following paragraph.

Whenever any inmate of the reformatory, not having been sentenced thereto by a court of the county wherein such reformatory is situated and established shall be convicted in such county of any misdemeanor or felony committed while an inmate of said reformatory, the cost and expense of trying such convicted inmate, and of his maintenance after conviction and sentence, if to the county jail of such county, shall be paid by the county from which the said convicted inmate was sentenced, and the costs and expenses of such trial shall, in the first instance, be paid by the county wherein such reformatory shall be established, whose commissioners are thereupon authorized to draw their warrant upon the treasurer of the county, from which said convicted inmate was sentenced to said reformatory, for the amount paid as aforesaid by said county wherein said reformatory is established, for said costs and expenses which warrant it shall be the duty of the treasurer upon whom it may be drawn to pay forthwith.

Sec. 85. Pardoning power of governor not to be abridged. 1919, c. 182, § 11. Nothing herein contained shall be construed to interfere with the pardoning power of the governor or commutation in any case.

Sec. 86. Trustees to arrange for employment of inmates. 1919, c. 182, § 12. 1925, c. 197. The board of trustees shall determine the kind of employment for the inmates of the reformatory and shall provide for their custody and superintendence. The provisions for the safe keeping or employment of such inmates shall be made for the purpose of teaching such inmates a useful trade or profession, and improving their mental and moral condition.

Sec. 87. Assaults or escapes committed by convicts in state reformatory for men; penalty. 1925, c. 186, § 1. If a convict sentenced to the state reformatory for men assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts so to do, he may at the discretion of the court be punished by imprisonment at hard labor for any term of years, to commence after the imprisonment of his former sentence.

The superintendent shall certify the fact of a violation of the foregoing provisions to the county attorney for the county of Cumberland who shall prosecute such convict therefor.

Sec. 88. Superintendent to take measures to apprehend escaped convicts; may offer a reward; aiding escaped convicts, penalty. 1925, c. 186, § 2. When a convict sentenced to the state reformatory for men escapes therefrom, the

superintendent shall take all proper measures for his apprehension; and may in behalf of the state offer a reward not exceeding twenty-five dollars for his apprehension and delivery. Whoever, not standing in the relation of husband or wife, parent or child to the principal offender, conceals, harbors, or in any way helps any convict escaping from the state reformatory for men knowing him to be such, or furnishes such convict with food, clothing, weapon, matches, or other article, or information that would aid him to escape recapture, shall be punished for a term not exceeding the whole time for which the convict was sentenced, or by fine not exceeding five hundred dollars.

Sec. 89. Incurrible inmates; proceedings for transfer to state prison. 1925, c. 197. Any person committed to the reformatory for men whose presence therein may be seriously detrimental to the well-being of the institution or who wilfully and persistently refuses to obey the rules and regulations of said institution, may be deemed and declared an incurrible. Upon complaint to any judge of any municipal court having jurisdiction, he may upon hearing bind over any person so accused to the term of the supreme or superior court next to be holden, within such county, and if indictment is returned therefor, then upon conviction said incurrible may be sentenced to the state prison for not less than one year nor more than five years. Upon conviction of such person committed to the reformatory for men as such incurrible and sentence as above provided said person shall be discharged from said reformatory for men and be relieved from serving the balance of sentence in said reformatory.

Transportation of Inmates.

Sec. 90. Transportation of inmates to or from certain state institutions; costs. 1925, c. 130. The costs of transporting a girl to or from the state school for girls, or of a person to or from the Pownal state school, or of a woman to or from the reformatory for women, or of a man to or from the reformatory for men, shall, when not otherwise provided for, be paid from the treasury of the county from which such person is committed as the costs of conveying prisoners to the jails are paid; and the county commissioners of such county shall examine and allow all such reasonable costs.

Note. Inmates of state prison or reformatory for men afflicted with tuberculosis may be transferred to sanatorium, c. 156, § 7. Transfer to insane hospitals and to Pownal state school, c. 149, § 18.

CHAPTER 153.

Workhouses. House of Correction.

Workhouses.

Sec. 1. Workhouse provided by any town; persons liable to commitment. R. S. c. 143, § 1. Any town may erect or provide a workhouse for the employment and support of persons of the following description; all poor and indigent persons, maintained by or receiving alms from the town; all able-bodied persons not having estate or means otherwise to maintain themselves, who refuse or neglect to work; all who live a dissolute and vagrant life and exercise no ordinary calling or lawful business sufficient to gain an honest livelihood; and all such persons, as spend their time and property in public houses, to the

neglect of their proper business, or by otherwise misspending what they earn, to the impoverishment of themselves and their families, are likely to become paupers. Any workhouse may, by vote of the town, be discontinued, or applied to other uses. Until such workhouse is thus provided the almshouse or any part thereof may be used for that purpose.

See c. 32, § 23; 11 Me. 210; 65 Me. 121.

Sec. 2. Overseers of poor to have charge; may appoint a master. R. S. c. 143, § 2. Such workhouse shall be in charge of the overseers of the poor of the town maintaining the same, who shall have the inspection and government thereof, with power to appoint a master and needful assistants for the more immediate care and superintendence of the persons received or employed therein.

Sec. 3. Overseers may make regulations. R. S. c. 143, § 3. The overseers, as occasion requires, shall hold meetings on the business of their office; and make needful orders and regulations for such house, to be binding until the next town meeting, when they shall be submitted to the consideration of the inhabitants; and such as are approved at said meeting shall remain in force until revoked by the town.

See c. 157, § 1.

Sec. 4. Persons not having legal settlement may be committed. R. S. c. 143, § 4. When any person, not having a legal settlement in any town in the state, becomes idle or indigent, he may be committed to the workhouse provided for the town in which he resides, to be employed, if able to labor, in the same manner, and to be subject to the same rules as the other persons thereto committed.

See c. 32, § 42.

Sec. 5. Inmates, if able, to be kept employed. R. S. c. 143, § 5. Every person committed to such workhouse, if able to work, shall be kept diligently employed during the term of his commitment. For idleness, obstinacy, or disorderly conduct, he may be punished as provided by the lawful regulations of the house.

House of Correction.

Sec. 6. Rogues, vagabonds, idle persons, etc., may be committed. R. S. c. 143, § 6. A municipal or police court, or trial justice in his county, on complaint under oath may commit to jail or to the house of correction in the town where the person belongs or is found, for a term not exceeding ninety days, all rogues, vagabonds, and idle persons going about in any town in the county, begging; persons using any subtle craft, jugglery, or unlawful games, or plays, or for the sake of gain pretending to have knowledge in physiognomy, palmistry, to tell destinies or fortunes, or to discover lost or stolen goods; common pipers, fiddlers, runaways, drunkards, night-walkers, railers, brawlers, and pilferers; persons wanton or lascivious in speech or behavior, or neglecting their callings or employments, misspending what they earn and not providing for the support of themselves and their families; all idle and disorderly persons having no visible means of support, neglecting all lawful calling or employment; and all idle and disorderly persons who neglect all lawful calling or employment and misspend their time by frequenting disorderly houses, houses of ill fame, gaming-houses, or tippling-shops.

See c. 32, §§ 39, 42; c. 147, § 3; 123 Me. 394.

Sec. 7. Town may maintain a house of correction. R. S. c. 143, § 7. A town, at its own expense, may build and maintain a house of correction. Until

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such house of correction is so built, the almshouse or any part thereof may be used for that purpose.

Sec. 8. Overseers of poor to have charge of house of correction. R. S. c. 143, § 8. Such house of correction shall be in charge of the overseers of the poor of the town maintaining the same, who shall have the inspection and government of the same, and may establish from time to time, such rules and orders not repugnant to law, as they deem necessary for governing and punishing persons lawfully committed thereto. When an almshouse is used for a house of correction, the master thereof shall be master of the house of correction; but in other cases the overseers thereof shall appoint a suitable master, removable at their pleasure, and may fix his compensation. The overseers, from time to time, shall examine into the prudential concerns and management of such house, and see that the master faithfully discharges his duty.

See c. 157, § 1.

Sec. 9. Overseers to order supplies of suitable food and clothing to persons committed. R. S. c. 143, § 9. Every person committed to such house of correction shall be supplied with suitable food and clothing, and if sick, with such medical attendance and care as the overseers order; and all expenses incurred for commitment and maintenance, exceeding the earnings of the person confined, shall be paid by the town where such prisoner has his legal settlement, or by his kindred as hereinafter provided.

Sec. 10. Persons committed to custody may be set to work. R. S. c. 143, § 10. The master of such house may set to work all persons committed to his custody, so far as they are able, during the time of their confinement; and if their deportment renders it expedient, he may impose shackles or fetters to prevent resistance or escape, without unnecessarily inflicting pain or interrupting labor.

Sec. 11. Insubordination; supply of food may be abridged. R. S. c. 143, § 11. If a prisoner is stubborn, disorderly, idle, refractory, or refuses to perform his appointed task in a proper manner, the master may abridge his supply of food until he complies with the reasonable requirements of the master and overseers.

Sec. 12. Actual paupers may be subject to extension of confinement. R. S. c. 143, § 12. Notwithstanding the payment of costs and expenses, if the prisoner has actually received relief as a pauper, the overseers of the poor where the house is, or of the town to which he belongs, on complaint to the justice or court by whom he was committed, may procure an extension of the confinement, for not more than thirty days at a time, by the judge or justice; and such application may be renewed, if occasion requires it, on like complaint; and in all cases the prisoners shall be brought before the justice or court to answer to the complaint.

Sec. 13. Pauper notice to be given to towns where prisoner has settlement. R. S. c. 143, § 13. Such masters shall, within ten days after commitment of any person to such house of correction, give notice thereof to the overseers of the poor of the town where it is situated, and if the prisoner has actually received relief as a pauper, said overseers shall give the same notice thereof to the overseers of the poor of the town of his legal settlement, as is required in other cases in which paupers become chargeable in places where they have no legal settlement.

See c. 32, § 35; 22 Me. 389; *51 Me. 458.

Sec. 14. Earnings and expenditures of prisoners to be accounted for; excess earnings, how disposed of. R. S. c. 143, § 14. The master shall keep an

exact account of the earnings of each prisoner, and of the expense incurred for commitment and maintenance, specifying the time of his commitment and liberation, and present it, on oath, to the overseers of the poor of the town where such house is established, annually and oftener if directed; and the town may recover the amount of such expenses after deducting the earnings of the prisoner, from the town where such prisoner has his legal settlement. If such account shows the earnings of such prisoner to exceed the expenses incurred for commitment and maintenance of said prisoner, such excess may be paid by the overseers of the poor to, or for the benefit of, dependent families or kindred of said prisoners.

Sec. 15. Remedy against kindred. R. S. c. 143, § 15. If there are kindred, obliged by law to maintain the prisoner as provided in sections eighteen to twenty-two inclusive of chapter thirty-two, such master, or the town obliged to pay his account, has the same remedy against such kindred, as is provided in that chapter for towns incurring expense for relief and support of paupers.

See c. 32, §§ 18-22.

Sec. 16. Persons to be committed only on conviction. R. S. c. 143, § 16. Persons shall be committed to workhouses, or houses of correction, only upon conviction of the offenses, acts, or conditions for which such commitments are by law authorized, before some municipal or police court, or trial justice. Commitments to workhouses may be for terms not exceeding three months.

Note. Masters of houses of correction and workhouses to give notice of births and deaths occurring therein, c. 72, § 23.
To give notice to U. S. immigration officers of aliens committed.

CHAPTER 154.

State Juvenile Institutions.

Sec. 1. Trustees, appointment and tenure. R. S. c. 144, § 1. The government of the state school for boys, established in the city of South Portland, in the county of Cumberland, for the instruction, employment and reform of juvenile offenders, and of the state school for girls, established in Hallowell, in the county of Kennebec, for the education, employment, and reform of girls, is vested in a board of trustees, consisting of five men and one woman, inhabitants of the state, who shall be known as "Trustees of Juvenile Institutions." The governor, with the advice and consent of the council, shall annually appoint a member of said board to hold office for a term of six years. Any vacancy occurring during a term shall be filled in like manner for the remainder of the unexpired term. Any trustee may be removed at any time by the governor and council, for cause.

The State School for Boys.

Sec. 2. Duties as to state school for boys; contract with the attorney-general of the United States, for the support of juvenile offenders. R. S. c. 144, § 2. The Trustees of Juvenile Institutions shall have charge of the general interests of the state school for boys, and see that its affairs are conducted as required by the legislature, and such by-laws as the board may adopt; see that proper discipline is maintained therein; provide employment for the inmates, and bind them out, discharge, or remand them, as hereinafter provided; ap-

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point a superintendent, subject to the approval, and during the pleasure of the governor and council, and appoint such other officers as in their judgment the wants of the institution require; prescribe the duties of all its officers; exercise a vigilant supervision over its concerns, remove its subordinate officers at pleasure, and appoint others in their stead; determine the compensation of the subordinate officers, subject to the approval of the governor and council, and prepare and submit by-laws to the governor and council, which shall be valid when sanctioned by them. They may contract with the attorney-general of the United States for the confinement and support in said school of juvenile offenders against the laws of the United States in accordance with sections five thousand five hundred and forty-nine, and five thousand five hundred and fifty of the revised statutes of the United States.

See c. 157, § 1.

Sec. 3. Commitments to the school, and to alternative punishment; deaf and dumb, non compos, or insane not to be sent; records not to be public. R. S. c. 144, § 3. 1917, c. 130, § 1. 1919, cc. 58, 245. 1921, c. 129. When a boy between the ages of eleven and seventeen years is convicted before any court or trial justice having jurisdiction of the offense, of an offense punishable by imprisonment in the state prison, not for life, or in the county jail [or in the reformatory for men], or in the house of correction, such court or justice may order his commitment to the state school for boys or sentence him to the punishment provided by law for the same offense. If to such school, the commitment shall be conditioned that if such boy is not received or kept there for the full term of his minority, unless sooner discharged by the trustees as provided in section six, or released on probation as provided in section nine, he shall then suffer the punishment provided by law, as aforesaid, as ordered by the court or justice; but no boy shall be committed to said school who is deaf and dumb, non compos, or insane. The record in the event of conviction in all such cases shall be that the accused was convicted of juvenile delinquency, and the court shall have power at the hearing of any such case to exclude the general public other than persons having a direct interest in the case. The records of any such case by order of the court may be withheld from indiscriminate public inspection, but such records shall be open to inspection by the parent or parents of such child or lawful guardian or attorney of the child involved.

47 Me. 484.

Sec. 4. Age, residence, and day when minority expires certified in mittimus. R. S. c. 144, § 4. When any boy is ordered to be committed to the state school for boys, the court or trial justice by whom such commitment is ordered shall certify in the mittimus the city or town in which such boy resides at the time of his commitment, the age of the boy, and the date on which his term of minority will expire. The finding of the court or justice regarding the age and residence of the boy shall be deemed a decision of a question of fact, and his certificate thereof shall be conclusive evidence of the age and residence of the boy and of the day on which his term of minority will expire.

50 Me. 585.

Sec. 5. Instruction and discipline. R. S. c. 144, § 5. Every boy committed to said school, shall there be kept, disciplined, instructed, employed, and governed, under the direction of the board of trustees, until the term of his commitment expires, or he is discharged as reformed, bound out by said trustees according to their by-laws, or remanded to *prison* [some penal institution] under the sentence of the court [or transferred to the reformatory for men] as incorrigible, upon information to the trustees, as hereinafter provided.

Sec. 6. Proceedings, when trustees or superintendent do not receive a boy. R. S. c. 144, § 6. When a boy is ordered to be committed to said school and the trustees deem it inexpedient to receive him, *or he is found incorrigible*, or his continuance in the school is deemed injurious to its management and discipline, they shall certify the same upon the mittimus by which he is held, and the mittimus and boy shall be delivered to any proper officer, who shall forthwith commit said boy to the jail, house of correction, or state prison, [or if he has attained the age of sixteen years, to the state reformatory for men] according to his sentence. The trustees may discharge any boy as reformed; and may authorize the superintendent, under such rules as they prescribe, to refuse to receive boys ordered to be committed to said school, and his certificate thereof shall be as effectual as their own.

See § 18.

Sec. 7. When transportation to be paid by the county. R. S. c. 144, § 7. The costs of transporting a boy to or from the school, shall, when not otherwise provided for, be paid from the treasury of the county from which he is committed, as the costs of conveying prisoners to the jails are paid; and the county commissioners of the county shall examine and allow all such reasonable costs.

See c. 126, § 5.

Sec. 8. Term of commitment; record of discharge; effect of discharge. R. S. c. 144, § 8. All commitments of boys shall be during their minority unless sooner discharged by order of the trustees, as before provided; and when a boy is discharged from the school at the expiration of his term, whether he be then in the institution or lawfully out on probation, or when discharged as reformed, an appropriate record of such discharge shall be made by the superintendent upon the register of the school required to be kept by provisions of section eleven of this chapter. Such discharge shall be a full and complete release from all penalties and disabilities created by his sentence and commitment, and the record of the proceedings under which such boy was so committed shall not be deemed to be, nor shall it be subsequently used as, a criminal record against him. Each boy discharged from the institution shall receive an appropriate written discharge, signed by the superintendent. Such discharge, or a copy, duly certified by the superintendent, of the record of discharge upon the register of the school, shall be receivable in evidence and conclusive of the facts therein stated.

Sec. 9. Boys may be committed on probation to any suitable inhabitants of the state; return to the school. R. S. c. 144, § 9. The trustees may commit, on probation and on such terms as they deem expedient, to any suitable inhabitant of the state, any boy in their charge, for a term within the period of his commitment, such probation to be conditioned on his good behavior and obedience to the laws of the state. Such boy shall, during the term for which he was originally committed to the school, be also subject to the care and control of the trustees, and on their being satisfied at any time, that the welfare of the boy will be promoted by his return to the school, they may order his return. On his return to the school, such boy shall there be held and detained under the original mittimus. The trustees may delegate to the superintendent under such rules as they prescribe the powers herein granted to the trustees to commit any boy on probation to any suitable inhabitant of the state, and to return to the school any boy so committed when he is satisfied that the welfare of the boy will be promoted by his return. Any boy ordered returned to the school may, on the order of the superintendent or other officer of the

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institution, be arrested and returned to the school, or to any officer or agent thereof, by any sheriff, constable, or police officer or other person; and may also be arrested and returned by any officer or agent of the school.

Sec. 10. Instruction to inmates; trustees to make rules, and specify punishments. R. S. c. 144, § 10. The trustees, under direction of the governor and council, shall establish and maintain a mechanical school, and cause the boys under their charge to be instructed in mechanical trades and in the branches of useful knowledge, adapted to their age and capacity; also in agriculture and horticulture, according to their age, strength, disposition, and capacity; and otherwise, as will best secure their reformation, amendment, and future benefit. In binding out the inmates, the trustees shall have scrupulous regard to the character of those to whom they are bound. The trustees shall establish rules for direction of the officers, agents, and servants of the school, and for the government, instruction and discipline of the inmates; they shall specify the punishments that may be inflicted upon boys in the school, and any officer, agent, or servant, who inflicts punishment not so authorized shall be discharged. Such rules shall be approved by the governor and council, and shall not be altered without their consent.

See c. 157, § 1.

Sec. 11. Powers and duties of superintendent; bond; record of punishment, open to public inspection; accounts and books, to be examined by the trustees semi-annually; register. R. S. c. 144, § 11. The superintendent, with such other officers as the trustees appoint, shall have the charge and custody of the inmates; be a constant resident at the institution; and discipline, govern, instruct, employ, and use his best endeavors to reform the inmates, so as to preserve their health, and secure, so far as possible, moral and industrious habits, and regular improvement in their studies, trades, and various employments. He shall see that no punishment is inflicted in violation of the rules of the trustees, and shall immediately enter in a book kept for the purpose, a particular record of all corporal punishment inflicted, stating the offense, the punishment, and by whom administered; which record shall be open to public inspection, and be laid before the trustees at their quarterly meetings, a majority of whom shall then certify upon said book whether or not such punishments are approved by them. He shall have charge of the lands, buildings, furniture, and every species of property, pertaining to the institution, within the precincts thereof. Before he enters upon the duties of his office, he shall give a bond to the state, with sureties or with a surety company authorized to do business in the state, as surety, satisfactory to the governor and council, conditioned faithfully to account for all moneys received by him and to perform all the duties incumbent on him as superintendent; keep, in suitable books, regular and complete accounts of all his receipts and disbursements, and of all property entrusted to him, showing the income and expenses of the institution; and account, in such manner, and to such persons as the trustees direct, for all moneys received by him from the proceeds of the farm or otherwise. His books, and all documents relating to the school, shall at all times be open to the inspection of the trustees, who shall, at least once in every six months, carefully examine the books and accounts, and the vouchers and documents connected therewith, and make a record of the result thereof. He shall keep a register containing the name and age of each boy, and the circumstances connected with his early life and add such facts as come to his knowledge relating to his subsequent history, while at the institution, and after he left it. Actions for injuries done to the real and personal property of the state, con-

nected with the school, may be brought in the name of the superintendent for the time being.

Sec. 12. Contracts to be made by the superintendent, and approved by the trustees; suits thereon. R. S. c. 144, § 12. All contracts on account of the institution, shall be made by the superintendent, and when approved by the trustees, if their by-laws require it, are binding in law, and the superintendent, or his successor, may sue or be sued thereon, to final judgment and execution. He may, with the consent of the trustees, submit any controversy, demand, or suit, to the determination of one or more referees. No such suit abates by a vacancy in the office of superintendent during its pendency; but his successor may take upon himself its prosecution or defense, and, on motion of the adverse party and notice, shall be required to do so.

Sec. 13. Visits of the trustees to the school; record; annual report and financial statement. R. S. c. 144, § 13. 1917, c. 74. One or more of the trustees shall visit the school at least once in every four weeks, examine the register and the inmates in the schoolroom and workshop, and regularly keep a record of these visits in the books of the superintendent. Once in every three months, the school, in all its departments, shall be thoroughly examined by a majority of the board of trustees, and a report shall be made, showing the results thereof. Annually, on or before the thirtieth day of September, an abstract of such quarterly reports shall be prepared and laid before the governor and council for the information of the legislature, with a full report of the superintendent, stating particularly among other things, the offense for which each pupil was committed, and his place of residence. A financial statement furnishing an accurate detailed account of the receipts and expenditures for the year terminating on the thirtieth day of June preceding, shall also be furnished.

Sec. 14. Homeless reformed boys may be returned to overseers of poor. R. S. c. 144, § 14. Any boy deemed by the trustees to be reformed who has no suitable home to which he can be sent and for whom, in consequence of physical infirmity or other reason, no suitable home can be found by the trustees, may be discharged by said trustees and returned to the selectmen of the town or the overseers of the poor of the city where such boy resided at the time of his commitment.

Sec. 15. Fugitive boys, penalty for aiding or abetting; fugitives may be arrested and returned. R. S. c. 144, § 15. Any person who shall aid or abet any boy committed to the state school for boys in escaping therefrom, or who shall knowingly harbor or conceal any boy who has escaped from said school, shall be fined not less than fifty, nor more than one hundred dollars, or punished by imprisonment in the county jail not more than sixty days. Any fugitive from the state school for boys may, on the order of the superintendent or other officer of the institution, be arrested and returned to the school, or to any officer or agent thereof, by any sheriff, constable, or police officer, or other person; and may also be arrested and returned by any officer or agent of the school.

Sec. 16. Appropriations; how paid. R. S. c. 144, § 16. The governor and council may, from time to time, as they think proper, draw warrants on the treasurer of state in favor of the trustees, for the money appropriated by the legislature for the state school for boys; and the treasurer of state shall, annually, in February, pay to the treasurer of said school forty-two dollars for support of its library, being six per cent on the Sanford legacy of seven hundred dollars.

Sec. 17. Inmates to be classed; solitary confinement forbidden; denial of food prohibited. R. S. c. 144, § 17. The inmates shall be separated into classes, regard being had to their ages, character and conduct, and the offenses for which they have been committed. The boys of each class shall, so far as practicable, take daily outdoor exercise and be employed in some outdoor labor. Each shall be provided with his own clothing and be taught to care for it. Solitary confinement is not allowed except for grave offenses specified in the rules of the trustees; and the apartment where it is inflicted, shall be suitably warmed, lighted, and provided with a bed and proper appliances for cleanliness. All the boys shall receive the same quality of food and in quantities to satisfy their appetites. They shall not be punished by a denial or short allowance of food.

See Resolve 1871, c. 284.

Sec. 18. Incurrable inmate over sixteen years of age may be transferred to reformatory for men. 1923, c. 28. If, in the opinion of the trustees of juvenile institutions, any boy, under the guardianship of the state school for boys, or who may hereafter be committed thereto, who has attained the age of sixteen years, is incurrable, they may certify the same on the original mittimus and have it signed by the president or secretary of the board of trustees in behalf of said trustees; whereupon said boy shall be transferred from said state school for boys to the reformatory for men, together with the original mittimus and certificate thereon. It shall be the duty of the officers of the reformatory for men to receive any boy so transferred and the remainder of the original commitment shall be executed at the reformatory for men. After said transfer has been made, the rights and duties of the trustees of juvenile institutions over and toward said boy shall cease, and the rights and duties of the trustees of the reformatory for men shall be the same as in case the boy had been originally committed to said reformatory.

Note. This section which embodies the amendment found in P. L. 1923, c. 28, is inconsistent with §§ 5 and 6 unless those sections are modified as indicated, making § 6 apply to commitments under the original sentence and § 18 to transfers by the act of the trustees.

Sec. 19. Governor to appoint a visiting committee; duties and powers. R. S. c. 144, § 18. A committee of the council, consisting of three, with whom shall be associated one woman, shall be appointed by the governor annually, to visit the school from time to time, and examine into the treatment of its inmates, their condition and progress. They shall maintain therein a letter-box, to which the inmates shall at all times have free access, without the knowledge or scrutiny of the officers. They shall hear complaints of ill-treatment, and make such suggestions to the superintendent and trustees as they think proper, and make a yearly report to the governor and council concerning the condition and wants of the school.

The State School for Girls.

Sec. 20. Duties of trustees. R. S. c. 144, § 19. The Trustees of Juvenile Institutions shall have charge of the general interests of the state school for girls and see that its affairs are conducted in accordance with law and such by-laws as they may adopt. They may adopt by-laws which shall be valid when approved by the governor and council. They may employ a superintendent and such teachers and other employees as they may deem advisable, and fix their compensation subject to the approval of the governor and coun-

cil; they may from time to time prescribe the system of education and course of study to be pursued in the school.

See c. 157, § 1.

Sec. 21. Commitment of idle or vicious girls. R. S. c. 144, § 20. 1917, cc. 130, 232. 1921, c. 55. A parent or guardian of any girl between the ages of nine and seventeen years, the municipal officers, or any three respectable inhabitants of any city or town, where she may be found, may complain in writing to the judge of probate or any trial justice in the county, or to the judge of the municipal or police court for such city or town, alleging that she is leading an idle or vicious life, or has been found in circumstances of manifest danger of falling into habits of vice or immorality, and request that she may be committed to the guardianship of the officers of said school. The judge or justice shall appoint a time and place of hearing, and order notice thereof to all persons entitled to be heard, and at such time and place, may examine into the truth of said allegations, and if satisfactory evidence thereof is adduced, and it appears that the welfare of such girl requires it, he may order her to be committed to the custody and guardianship of the officers of said school during her minority, unless sooner discharged by process of law. All precepts issued in pursuance of this section may be executed by any officer who may execute civil process. Upon commitment of such girl if the officer to whom the mittimus or order of commitment is addressed is not a woman the judge or trial justice shall designate a woman to be an attendant to accompany her to said school, and the fees of judges of municipal and police courts, trial justices, and officers shall be the same as for similar services in civil cases, and the fees of such woman attendant shall be the same as provided for aids in criminal cases, and when not otherwise provided for, all fees shall be audited by the county commissioners and paid from the county treasury.

*76 Me. 325.

Sec. 22. Duties and privileges of trustees; may bind to service any girl committed to their charge. R. S. c. 144, § 21. The board of trustees shall have all the powers as to the person, property, earnings, and education of every girl committed to the charge of said trustees, during the term of her commitment, which a guardian has as to his ward, and all powers which parents have over their children. At the discretion of said board, any such girl, during her commitment, may be kept at said school, or entrusted to the care of any suitable person and may be required to work for such person, or may be bound by deed of indenture to service or apprenticeship for a period not exceeding the term of her commitment, on such conditions as said board may deem reasonable and proper. Such indenture shall specify the conditions, and shall require the person to whom such girl is bound, to report to said board as often as once in three months the conduct and behavior of such girl, and whether she remains under such master or mistress, and if not, where she is. Said trustees shall take care that the terms of such indenture are fulfilled, and the girl well treated, and if they believe that by reason of her misconduct, vicious inclinations or surroundings, she is in danger of falling into habits of vice or immorality, or that her welfare is in any way imperiled, they may cancel such indenture and resume charge of such girl with the same powers as before the indenture was made. The powers of said board with respect to any girl entrusted, as herein provided, to the care of a suitable person are not affected thereby, nor by her being bound to service or apprenticeship, except as expressed in the bond of indenture. Any member of said board may execute such indenture deed in behalf of the board if authorized by a vote of

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said board. Said board may, by vote in any case, or by a general by-law, authorize a member or committee of said board, or the superintendent of said school to entrust said girls to the care and service of a suitable person or persons without indenture, to see to their welfare during such service and to require their return to said school at discretion.

125 Me. 441.

Sec. 23. Indenture of apprenticeship is not transferable, without consent of the trustees; cancellation and assignment. R. S. c. 144, § 22. A person receiving an apprentice under the preceding section, shall not assign or transfer the indenture of apprenticeship, or let out the services of the apprentice, without the written consent of the trustees. The trustees, at the request of the master or mistress, may cancel the indenture and resume charge of the girl, with the same powers as before the indenture was made. On the death of a person to whom the girl is bound, his executor or administrator, with the written assent of the trustees and of the girl, may assign the indenture to some other person, and the assignee shall have all the rights and be subject to all the liabilities and duties of the original master or mistress.

Sec. 24. Commitments to school; effect of a discharge with a certificate of good behavior; when discharged for misbehavior. R. S. c. 144, § 23. On complaint to a trial justice or municipal or police court of the county, that a girl of the age herein limited has been guilty of an offense punishable by fine or imprisonment, other than imprisonment for life, such justice or court may so far examine into the case as to satisfy himself whether she is a suitable subject for commitment to said school, and if he so decides, he may thereupon suspend the case and certify accordingly, and order her to be committed to the guardianship of said school during her minority, unless sooner discharged by process of law. No girl so committed, if she remains under the guardianship of said school during the term of her commitment, or is sooner discharged with a certificate of good behavior, shall thereafter be examined or tried on the suspended complaint or for the offense therein charged. But if discharged for misbehavior, or if she escapes from said school, she may be tried therefor, and punished according to law.

*76 Me. 325.

Sec. 25. If not received, or if discharged for misbehavior, punishment. R. S. c. 144, § 24. If a girl of the age herein limited is found guilty of an offense punishable with fine or imprisonment, other than imprisonment for life, she may be sentenced in the alternative to the aforesaid school, or if not received therein, or if discharged therefrom for misbehavior, to such punishment as the law provides for like offenses.

* Note. In default of adequate legislation dealing with juvenile delinquency, the commissioner urges that a similar provision to that in § 3 be inserted here, permitting the records in the case of the girl to show juvenile delinquency. At present a boy may be convicted of juvenile delinquency while his sister with him is convicted of larceny for the same offense.

Sec. 26. Trustees may refuse to receive, or may discharge any girl committed. R. S. c. 144, § 25. The trustees may refuse to receive any girl committed to said school under the two preceding sections, or may discharge any girl whose continuance, by reason of her vicious example and influence, or other misconduct, is in their opinion prejudicial to the school, or who for any reason ought not to be retained therein. Their refusal may be certified on the warrant of commitment, and she shall remain in the custody of the officer having the same, to be disposed of as prescribed in said sections. If they discharge her, they shall set forth their reasons therefor in a warrant of discharge.

and any proper officer may return her to the court which committed her, or commit her as provided in the alternative sentence.

Sec. 27. Precepts, how to be executed. R. S. c. 144, § 26. Precepts issued in pursuance of the three preceding sections may be executed by any officer who may execute criminal process; and the fees of judges, justices and officers are the same as for similar services in criminal cases, and shall be audited by the county commissioners and paid from the county treasury.

See c. 126, §§ 2, 5.

Sec. 28. Record of proceedings to be filed with clerk of courts; appeal; recognizance of appellant; fees. R. S. c. 144, § 27. The judge or justice before whom a girl is brought under this chapter, shall make a brief record of his proceedings, and transmit it with all the papers in the case to the clerk of courts for the county, who shall file and preserve them in his office. A girl committed to the school may appeal from the order of commitment in the manner and to the court provided in case of appeals from trial justices, and the case shall be entered, tried and determined in the appellate court. In case of appeal, in lieu of any other recognizance, the justice or judge shall require the recognizance, in a reasonable sum, of some responsible and proper person for the custody, care and nurture of the girl, pending the appeal, and for her appearance to abide the final order of the appellate court, and in default thereof, may commit her to said industrial school until final disposition of the appeal. In such cases, no fees shall be required of the appellant for recognizance or copies of papers.

See c. 144, § 18; *76 Me. 326.

Sec. 29. Age, parentage, birthplace, and offense certified on mittimus; expenses of clothing, etc., paid by the state. R. S. c. 144, § 28. The court or justice by whom a girl is committed shall certify on the mittimus, her age, parentage, birthplace, the charge on which she is committed, and the city or town where she resided at the time of her arrest, so far as he can ascertain such particulars; and this certificate shall be conclusive evidence of her age. The expenses of clothing and subsistence of all girls committed to said school shall be paid by the state.

Sec. 30. Instruction. R. S. c. 144, § 29. The officers of said school shall cause the girls under their charge to be instructed in the branches of useful knowledge adapted to their age and capacity, and in household employments, needle-work, and such other modes of industry as are suited to their sex, age, strength and disposition, and best adapted to secure their improvement and future welfare; and in binding them out, the trustees shall have regard to the character of those to whom they are bound.

Sec. 31. Penalty for aiding a girl to escape from the school. R. S. c. 144, § 30. Whoever advises, induces, aids, or abets any girl committed to the charge or guardianship of said trustees to escape from the school or from the custody of any person to whom such girl has been bound or entrusted by said trustees or by their authority, or knowingly harbors or secretes any girl who has escaped from said school, or from the custody, authority, or control of said trustees, or from any person to whom such girl has been bound or entrusted by said trustees or by their authority, or elopes with any such girl, or without the consent of said trustees marries any such girl during the term of her commitment, shall be fined not more than one hundred, nor less than fifty dollars, or be imprisoned not exceeding six months; and any girl who has so escaped may be arrested and detained, without warrant, by any officer authorized to serve criminal precepts, for a reasonable time to enable the superintendent or

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a trustee of said school, or a person authorized in writing by such superintendent or trustee and provided with the mittimus by which such girl was committed, or a certified copy thereof, to take such girl for the purpose of returning her to said school; but during such detention she shall not be committed to jail, and the officer arresting her shall be paid by the state a reasonable compensation for her arrest and keeping.

Sec. 32. Incurrable girl, sixteen years of age and over, may be transferred to reformatory for women. 1917, c. 130, § 3. If, in the opinion of the trustees of juvenile institutions, any girl, under the guardianship of the state school for girls, or who may hereafter be committed thereto, who has attained the age of sixteen years, is incurrable, they may certify the same on the original mittimus and have it signed by the president or secretary of the board of trustees in behalf of said trustees; whereupon said girl shall be transferred from said state school for girls to the reformatory for women, together with the original mittimus and certificate thereon. It shall be the duty of the officers of the reformatory for women to receive any girl so transferred, and the remainder of the original commitment shall be executed at the reformatory for women. After said transfer has been made, the rights and duties of the trustees of juvenile institutions over and toward said girl shall cease, and the rights and duties of the trustees of the reformatory for women shall be the same as in case the girl had been originally committed to said reformatory.

Sec. 33. Trust funds transferred to state treasury. R. S. c. 144, § 31. The trustees shall pay into the state treasury the principal sums of the trust funds which may be held by them, for the benefit of said school. Said funds shall be known by the names now attached thereto, or which may be attached by terms of gifts or bequests. The treasurer of state shall semi-annually pay to the treasurer of said school a sum equal to two and one-half per cent of said amount, to be used for the benefit of said school in accordance with the terms of the several gifts or bequests, or as the trustees shall from time to time determine.

Provisions Relating to Both Schools.

Sec. 34. Free treatment for patients from either school. R. S. c. 144, § 32. Any hospital, infirmary, or institution in which patients are treated surgically or for disease, which shall receive an appropriation from the state, shall, during the year for which such appropriation is made, in consideration thereof, receive as a patient therein any person committed to and under the control of the state school for boys or state school for girls, whom the superintendent of the state school for boys or the superintendent of the state school for girls shall certify in writing to such institution to be in need of medical or surgical treatment, and shall furnish to such person therein proper food, lodging, medicine, surgery, medical attendance, and nursing, so long as necessary, free of charge. Provided that all rules, regulations, customs, and usages now existing or hereafter created in each such hospital, infirmary, or institution in regard to admission, dismissal, treatment, conduct, and all other matters shall apply equally and to the same extent to patients received under this section as to other patients at the same hospital, infirmary, or institution.

Sec. 35. Inmates of either institution may be recommitted to school for feeble minded. 1917, c. 130, § 4. Any boy now under the guardianship of the state school for boys, or who may hereafter be committed there, who is feeble minded, or who, after his commitment, becomes feeble minded, or any girl now under the guardianship of the state school for girls, or who may

hereafter be committed there, who is feeble minded, or who, after her commitment, becomes feeble minded, may be transferred by the trustees of juvenile institutions, to the Pownal state school. In such event the trustees of juvenile institutions, by their president or secretary, shall endorse on the original mittimus the fact that the boy or girl is feeble minded, and attach thereto a certificate from a regular practicing physician within the state certifying that the boy or girl is feeble minded, and shall obtain from the superintendent of the said Pownal state school a certificate stating in substance that such boy or girl will be received under the provisions of section fifty-one of chapter one hundred and fifty-five of the revised statutes. Then upon the delivery of the boy or girl to the officers of the Pownal state school, together with the original mittimus and certificates herein provided, it shall be the duty of the officers of the Pownal state school to receive such boy or girl, and thereafter the trustees of juvenile institutions shall cease to have any authority over such boy or girl, and the hospital trustees shall have the same authority over said boy or girl as they would have if he or she had been originally committed to the Pownal state school.

Sec. 36. May be recommitted to either of state hospitals for insane. 1917, c. 130, § 5. Any boy now under the guardianship of the state school for boys, or who may hereafter be committed there, who is insane, or who, after his commitment, becomes insane, or any girl now under the guardianship of the state school for girls, or who may hereafter be committed there, who is insane, or who, after her commitment, becomes insane, may be transferred by the trustees of juvenile institutions to either of the state hospitals for insane. In such event the trustees of juvenile institutions, by their president or secretary, shall endorse on the original mittimus the fact that the boy or girl is insane, and attach thereto a certificate from a regular practicing physician within the state, certifying that the boy or girl is insane. Upon the delivery of the boy or girl to the officers of either of the state hospitals for insane, together with the original mittimus and certificates herein provided, it shall be the duty of the officers of either of the state hospitals for insane to receive such boy or girl, and thereafter the trustees of juvenile institutions shall cease to have any authority over such boy or girl, and the hospital trustees shall have the same authority over said boy or girl as they would have if he or she had been originally committed to either of the state hospitals for insane.

Note. Duty of superintendents to report aliens committed to U. S. immigration inspector, c. 33, § 1.

CHAPTER 155.

Institutions for the Insane and Feeble Minded.

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Hospital Trustees.

Sec. 1. Trustees, appointment and tenure. R. S. c. 145, § 1. 1923, c. 44-1925, c. 33. The government of the Augusta state hospital, established at Augusta, in the county of Kennebec, and of the Bangor state hospital, established at Bangor, in the county of Penobscot, and of the Pownal state school, established at Pownal, in the county of Cumberland, is vested in a board of trustees consisting of seven inhabitants of the state, who shall be appointed by the governor, with the advice and consent of the council, for terms of four years. The board shall be known as "Hospital Trustees." Any vacancy occurring during a term shall be filled in like manner for the remainder of the unexpired term. Any trustee may be removed at any time by the governor and council for cause.

Sec. 2. Authority and duty of trustees. R. S. c. 145, § 2. They shall have the general care and management of the institutions; see that they are conducted according to law, and the by-laws for their internal government and economy, which said trustees are hereby authorized to establish, not inconsistent with law; hold in trust for the state any land, money, or other property, granted, bequeathed, or given to the institutions, or either of them, and apply the same for the support, comfort, or improvement of the insane, and the general use of the institution designated, and have power to bring actions, in the name of the treasurer, for all dues to either of the institutions, and to defend all suits brought against them.

See c. 157, § 1; *123 Me. 383.

The Insane Hospitals.

Sec. 3. Appointment of superintendent, steward, and treasurer. R. S. c. 145, § 3. The trustees shall appoint a superintendent, and a steward and treasurer, for each hospital, subject to the approval, and to hold office during the pleasure, of the governor and council; and all other officers necessary for the efficient and economical management of the business of the institutions; and all appointments shall be made according to the by-laws.

Sec. 4. Examinations by the trustees, and records thereof; examinations and discharge of patients; accounts to be audited. R. S. c. 145, § 4. There shall be a thorough examination of each hospital monthly by two of the trustees; quarterly by three; and annually by a majority of the full board; and at any other time when they deem it necessary, or the superintendent requests it. At each visit a written account of the state of the institution visited shall be drawn up by the visitors, recorded and presented at the annual meeting of the trustees; at which meeting they, with the superintendent, shall make a particular examination into the condition of each patient, including patients committed while under sentence in the state prison or either of the county jails; at any meeting a majority of the trustees may discharge any one so far restored that his comfort and safety, and that of the public, no longer require his confinement; and they may transfer to the care and custody of his relatives and friends applying therefor, on conditions to be fixed by the superintendent and trustees, any such patient not held under sentence whom they are satisfied will be properly cared for by the person making such application. Their accounts shall be audited by the state auditor, and the governor and council shall draw warrants on the treasurer of state for the amount due them, and for all money appropriated by the legislature for the insane hospitals.

Sec. 5. Transfer of patients by trustees; expense of transfer, how paid. R. S. c. 145, § 5. The trustees may transfer any patients from one hospital to the other, whenever, in their judgment the welfare of the patients or of either institution will be promoted thereby. A copy of the certificate of commitment certified by the superintendent of the hospital in which said patient has been confined, with a certificate signed by the secretary of the trustees, showing that such transfer has been voted by the trustees, shall authorize the superintendent of the hospital to which such patient is transferred to receive and detain him in custody in the same manner as if he had originally been committed to such institution. The expense attending such transfer shall be paid out of the funds of the hospital transferring such patient and shall be a charge upon the person liable for the board of such patient, and if the board of such patient is paid by the state the expense of such transfer shall be paid by the state.

Sec. 6. Trustees may transfer patients to Pownal state school, or insane patients from said school to either insane hospital. R. S. c. 145, § 6. The trustees may transfer feeble-minded persons, who are now or may be hereafter in said insane hospitals, to the Pownal state school, and may transfer any inmate of the Pownal State school to either insane hospital, whenever in their judgment, the welfare of the patients and inmates or of either institution will be promoted thereby. A copy of the certificate of commitment certified by the superintendent of the hospital or said school in which said patient or inmate has been confined, with a certificate signed by the secretary of the trustees, showing that such transfer has been voted by the trustees, shall authorize the superintendent of the hospital or said school to which such patient or inmate is transferred to receive and detain him in custody in the same manner as if he had originally been committed to such institution. The expense attending such transfer shall be paid out of the funds of the institution transferring such patient or inmate and shall be a charge upon the person liable for the board of such patient or inmate, and if such board is paid by the state, the expense of such transfer shall be paid by the state.

Sec. 7. Annual meetings and reports to the governor and council. R. S. c. 145, § 7. 1917, c. 74. The trustees shall hold an annual meeting on the

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third Thursday of December, at which a full and detailed report shall be made, containing a particular statement of the condition, concerns, and wants of the hospitals; and *this* [an annual] report, and the reports of the superintendents and stewards, shall be made *up to the first day of December*, on or before the thirtieth day of September for the year ending on the thirtieth day of June preceding, and be laid before the governor and council at that time.

Duties of Superintendents and Stewards.

Sec. 8. Duties and powers of the superintendent; his annual report. R. S. c. 145, § 8. The superintendent of each hospital shall be a physician; reside constantly at the hospital; have general superintendence of the hospital and grounds; receive all patients legally sent to the hospital, unless the number exceeds its accommodations, and have charge of them, and direction of all persons therein, subject to the regulations of the board of trustees; and report to the trustees at the annual meeting the condition and prospects of the institution under his charge, with such remarks and suggestions relative to its management and the general subject of insanity, as he thinks will promote the cause of science and humanity.

Note. Staff of insane hospitals may conduct autopsies upon unclaimed bodies, c. 21, § 3.

Sec. 9. Apportionment of patients. R. S. c. 145, § 9. The superintendents shall apportion the number of patients who can be accommodated in the hospitals among the towns, according to their population by the last census; and when applications for admission exceed or are liable to exceed that number of patients, they shall give preference to those from towns that have not their full proportion of patients in the hospital, and may reject others.

^{123 Me. 388.}

Sec. 10. Rules to be kept posted. R. S. c. 145, § 10. The superintendent of each hospital shall keep posted, in conspicuous places about the hospital under his charge, printed cards containing the rules prescribed for the government of the attendants in charge of the patients.

Sec. 11. Ill treatment of patients by attendants; penalty. R. S. c. 145, § 11. When it appears that any such attendant treats a patient with injustice or inhumanity, he shall immediately be discharged. When the superintendent is satisfied that any attendant abuses or ill treats an inmate of the hospital, he shall discharge him at once, and make complaint of such abuse or ill treatment before the proper court; and such attendant, on conviction, shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned not more than ninety days.

Sec. 12. Appointment of treasurer; his bond. R. S. c. 145, § 12. The trustees may, subject to the approval of the governor and council, appoint a treasurer for either of the insane hospitals, other than the steward of either hospital, and may fix the salary of said treasurer. The treasurer shall give bond to the state in an amount and with sureties or with a surety company authorized to do business in the state, as surety, satisfactory to the governor and council, conditioned for the safe-keeping and proper disbursement of the funds of the institution at which he is located; perform such other duties as the trustees direct; and annually make a detailed report to them of his receipts and expenditures and of the financial affairs of the institution.

Sec. 13. Duties of the steward and treasurer. R. S. c. 145, § 13. Whenever a treasurer is not appointed under the preceding section, the steward of each hospital shall be treasurer; give bond to the state, in an amount and with

sureties, or with a surety company authorized to do business in the state, as surety, satisfactory to the governor and council, conditioned for the safe-keeping and proper disbursement of the funds of the institution at which he is located; under the advice and direction of the superintendent and of the trustees, make all necessary purchases of supplies and provisions; hire attendants and other laborers; see to the proper cultivation of the farm and grounds; have a careful oversight of the patients when employed thereon; perform such other duties as the trustees direct; and annually make a detailed report to them of his receipts and expenditures, and of the financial affairs of the institution.

See c. 125, § 53.

Sec. 14. Accounts of the steward and treasurer audited and settled; governor and council to inquire into the financial affairs of the hospitals. R. S. c. 145, § 14. The state auditor shall monthly examine the books and vouchers of the steward and treasurer of each hospital, audit his accounts and submit the same immediately thereafter to the governor and council for their approval, before such accounts shall be settled; and the governor and council shall, from time to time, inquire into the condition and management of the financial affairs of the institutions, and make such changes as they deem judicious, in the mode and amount of expenditures and the general administration of their financial affairs.

Sec. 15. Salaries fixed by trustees. R. S. c. 145, § 15. The compensation of all officers and employees of both hospitals, whose salaries are not established by law, shall be fixed by the trustees, subject to the approval of the governor and council.

Commitment of the Insane.

Sec. 16. Duties of parents and guardians of insane minors. R. S. c. 145, § 16. Parents and guardians of insane minors, if of sufficient ability to support them there, shall, within thirty days after an attack of insanity, without legal examination, send them to one of said hospitals and give to the treasurer thereof the bond required; or they may send them to some other hospital for the insane, within said period.

107 Me. 340.

Sec. 17. Municipal officers may commit to the hospitals. R. S. c. 145, § 17. 1917, c. 120. Insane persons, not thus sent to any hospital, shall be subject to examination as hereinafter provided. The municipal officers of towns shall constitute a board of examiners, and on complaint in writing of any blood relative, husband, or wife of said alleged insane person, or of any justice of the peace, they shall immediately inquire into the condition of any person in said town alleged to be insane; shall appoint a time and place for a hearing by them of the allegations of said complaint, and shall cause to be given in hand to the person so alleged to be insane, at least twenty-four hours prior to the time of said hearing, a true copy of said complaint, together with a notice of the time and place of said hearing and that he has the right and will be given opportunity then and there to be heard in the matter; shall call before them all testimony necessary for a full understanding of the case; and if they think such person insane and that his comfort and safety or that of others interested, will thereby be promoted, they shall forthwith send him to one of the insane hospitals with a certificate stating the fact of his insanity, and the town in which he resided or was found at the time of examination, and directing the superintendent to receive and detain him until he is restored or dis-

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charged by law, or by the superintendent or trustees. Pending the issue of such certificate by the municipal officers such superintendent may receive into his hospital any person so alleged on complaint to be insane, provided such person be accompanied by a copy of the complaint and physician's certificate, which certificate shall set forth that in the judgment of the physician the condition of said person is such that immediate restraint or detention is necessary for his comfort and safety, and provided further that unless within ten days thereafter said superintendent shall be furnished with the certificate hereinbefore provided for, the detention of such person shall cease. They shall keep a record of their doings, and furnish a copy to any interested person requesting and paying for it.

35 Me. 404; 40 Me. 264; 48 Me. 356; 63 Me. 500, 566; 65 Me. 521; *70 Me. 442; 78 Me. 378; 90 Me. 218; *96 Me. 371; 101 Me. 260; 107 Me. 340.

Sec. 18. Evidence of two physicians required. R. S. c. 145, § 18. In all cases of preliminary proceedings for the commitment of any person to the hospital, to establish the fact of the insanity of the person to whom insanity is imputed, the evidence of at least two reputable physicians given by them under oath before the board of examiners shall be required, together with a certificate signed by such physicians and filed with said board, that in their opinion such person is insane, such evidence and certificate to be based upon due inquiry and personal examination of the person to whom insanity is imputed; and a certified copy of the physicians' certificate shall accompany the papers of commitment of the insane person to the hospital.

*72 Me. 216; 75 Me. 166; 90 Me. 219; *96 Me. 371; 101 Me. 260; 107 Me. 340.

Sec. 19. Commitment of women regulated. R. S. c. 145, § 19. When a woman is committed to either of the insane hospitals, the officers committing her shall, unless she is to be accompanied by a father, husband, brother, or son, designate a woman to be an attendant or one of the attendants to accompany her thereto.

Sec. 20. Support of persons committed charged to state. R. S. c. 145, § 20. The officers ordering the commitment of a person unable to pay for his support, or becoming unable to pay for his support after commitment, or their successors, or any officer with like power to commit, shall in writing certify that fact to the trustees and that he has no relatives liable and of sufficient ability to pay for his support, and such certificate shall be sufficient evidence in the first instance to charge the town where the insane resided or was found at the time of his arrest for the expenses of his examination and commitment, and to charge the state for the expenses of his support in the hospital, and the treasurer of the hospital shall charge to the state the reasonable expense of his support which shall be paid from the state treasury upon itemized bills therefor audited by the state auditor and approved by the governor and council.

Sec. 21. Trustees may recover money improperly paid by state for support of insane. R. S. c. 145, § 21. The trustees may, in their discretion, investigate, or cause to be investigated, the allegations contained in any certificate provided for in the preceding section and if such investigation discloses the fact that any person was, or may be, lawfully liable for the support of the insane person mentioned in any such certificate, the trustees shall collect, by action in the name of the state, if necessary, all sums which have been paid by the state to the hospital for board of such insane person from the person lawfully liable as aforesaid to pay for the support of such insane person, and thereafter the state shall not be required to pay to said hospital the sum mentioned in said section so long as the liability of any person to support such insane person may lawfully exist. All moneys collected under the provisions

of this section shall be forthwith turned over to the treasurer of state, who shall receipt for the same; and the expenses of the collection of said moneys shall be charged against and paid out of any sums so collected and turned over; all bills for such expenses shall be audited by the state auditor and paid out of the state treasury upon the certificate of the state auditor.

Sec. 22. Jurisdiction of justices of peace to commit. R. S. c. 145, § 22. If the municipal officers neglect or refuse, for three days after complaint is made to them to examine and decide any case of insanity in their town, complaint may be made by any blood-relative, husband, or wife of said alleged insane person, or by any justice of the peace, to two justices of the peace; and the two justices to whom such application is made shall immediately inquire into the condition of such alleged insane person and shall proceed in the manner provided in section seventeen.

See § 27; 35 Me. 502; 63 Me. 567.

Sec. 23. Justices to keep record; fees. R. S. c. 145, § 23. Such justices shall keep a record of their doings and furnish a copy thereof to any person interested requesting and paying for it; they shall be entitled to the same fees as for a criminal examination, to be paid by the person or corporation liable in the first instance for the support of the insane person in the hospital.

Sec. 24. Execution of order for commitment. R. S. c. 145, § 24. When such justices order a commitment to a hospital, the municipal officers of the town where the insane resides, or such other person as the justices direct, shall cause such order to be complied with forthwith at the expense of the town; and after such commitment is made, the justices shall decide and certify the expenses thereof.

Sec. 25. Jurisdiction of judges of probate. R. S. c. 145, § 25. The judges of probate in the several counties shall likewise have jurisdiction to examine insane persons not included in section sixteen, and upon complaint in writing of any blood-relative, husband, or wife, of said alleged insane person, or of any justice of the peace, accompanied by the certificate of some reputable physician stating that in his opinion such person is insane, may immediately appoint a time and place for hearing, within the town or city in which said person resides or is found; and shall cause to be given in hand to the person so alleged to be insane, at least twenty-four hours prior to the time appointed for said hearing, a copy of said complaint attested by the register of probate of the county in which said hearing is to be held, together with a notice of the time and place of said hearing, and that he has a right and will be given opportunity there and then to be heard in the matter, and a like copy of said complaint and of said notice of hearing shall be served upon the clerk of the town in which said person resides or is found. Nothing herein contained shall require a judge of probate to appoint a hearing for the purpose of this section in any town other than the shire town of the county, or the town in which said person resides.

Sec. 26. Proceedings at hearing. R. S. c. 145, § 26. The judge of probate before whom the hearing is held shall have authority to summon such witnesses as shall be necessary for the full understanding of the case; and if he shall decide that such person is insane, and that his comfort and safety, or that of others interested will thereby be promoted, he shall forthwith send him to one of the insane hospitals, with a certificate stating the fact of his insanity and the town in which he resided or was found at the time of the examination, and directing the superintendent to receive and detain him until he is restored or discharged by law or by the superintendent or trustees. The register shall

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keep a record of the doings in each case and furnish a copy to any interested person requesting and paying for it. Excepting sections sixteen and seventeen, all other sections of this chapter, relating to the commitment, expense of supporting and discharge of the insane, shall also apply to commitments under this section.

Sec. 27. Jurisdiction first taken. R. S. c. 145, § 27. The municipal officers or the judge of probate first taking jurisdiction of a complaint referred to in sections seventeen and twenty-five hereof, shall have exclusive jurisdiction in the matter until such complaint is finally disposed of. In case of refusal to commit by one of said tribunals after notice and hearing, no complaint shall be made to the other tribunal with reference to the same person within thirty days after such decision is recorded; and only after application to each of said tribunals and neglect or refusal for three days on the part of each to act, shall proceedings under section twenty-two of this chapter be taken.

Note. Commitment of persons suffering from use of drugs, c. 22, §§ 130-132.

Expenses of Commitment and Support.

Sec. 28. Liability of town where insane person resided, or was found. R. S. c. 145, § 28. The certificate of commitment to the hospital after a legal examination, is sufficient evidence, in the first instance, to charge the town where the insane resided, or was found at the time of his arrest, for the expenses of his examination and commitment to the hospital; and when his friends or others file a bond with the treasurer of the hospital in which he is confined the state shall not be liable for his support, unless new action is had by reason of the inability of the patient or his friends longer to support him; and such action may be had in the same manner, and before the same tribunal, as if he had never been admitted to the hospital.

46 Me. 560; 48 Me. 356; *70 Me. 443; *72 Me. 216; 90 Me. 219.

Sec. 29. Remedy of towns; bills chargeable to the state to be filed with governor and council. R. S. c. 145, § 29. Any town thus made chargeable for the expenses of examination and commitment in the first instance, and paying for the examination of the insane and his commitment to a hospital, may recover the amount paid, from the insane, if able, or from persons legally liable for his support, or from the town where his legal settlement is, as if incurred for the expense of a pauper, but if he has no legal settlement in the state, such expenses shall be refunded by the state, and the state auditor shall audit all such claims and the governor and council shall draw their warrant on the treasurer therefor. All bills for expenses so incurred and chargeable to the state, shall be filed with the governor and council within three months after the same are contracted, and no such bills shall be allowed unless they are filed with the governor and council within sixty days after the thirty-first day of December of the year in which they are incurred. No insane person shall suffer any of the disabilities of pauperism nor be deemed a pauper, by reason of such support. But the time during which the insane person is so supported shall not be included in the period of residence necessary to change his settlement.

See c. 32, § 18; 53 Me. 129, 445; 63 Me. 501; 69 Me. 69; *70 Me. 443; 71 Me. 537; 72 Me. *216, 493; 90 Me. 219; *96 Me. 371; 101 Me. 263; *103 Me. 501.

Sec. 30. Recovery by state. R. S. c. 145, § 30. The state may recover from the insane, if able, or from persons legally liable for his support, the reasonable expenses of his support in either insane hospital.

Discharge of Patients.

Sec. 31. Removal of patient. R. S. c. 145, § 31. When the overseers of the poor of a town, liable for the expenses of examination of a patient and his commitment to either hospital, are notified by mail by the superintendent, that he has recovered from his insanity, they shall cause him to be removed to their town; and if they neglect it for fifteen days, the superintendent shall cause it to be done at the expense of such town.

Sec. 32. Patients discharged under section four, how to be removed; liability of town for costs of removal. R. S. c. 145, § 32. When a patient is discharged from either hospital by the trustees, under section four, they shall cause the selectmen of the town, or the mayor of the city, from which such patient was received, to be immediately notified by mail, and on receipt of such notice said town or city shall cause such patient to be forthwith removed thereto; and if they neglect such removal for thirty days thereafter, such patient may be removed to said town or city by the trustees, or their order; and the superintendent may maintain an action in his own name, against such city or town, for the recovery of all expenses necessarily incurred in the removal of such patient.

Sec. 33. Application of section thirty-two, limited. R. S. c. 145, § 33. The preceding section does not apply to towns having less than two hundred inhabitants, but all insane persons found, and having their residence in such towns; who have no settlement within any town in the state, and have no means of their own for support, or are without relatives able and liable to support them, shall be supported in the hospital at the expense of the state.

Sec. 34. Superintendent may permit inmate to temporarily leave institution. R. S. c. 145, § 34. 1917, c. 90. The superintendent of either hospital may permit any inmate thereof to leave such institution, temporarily, in charge of his guardian, relatives, friends, or by himself for a period not exceeding six months, and may receive him when returned by any such guardian, relatives, friends, or upon his own application within such period, without any further order of commitment, and the liability of the state, or of any person by bond given for the care, support and treatment of such insane person as originally committed, shall remain in full force and unimpaired upon the return of such person as if he had remained continuously in such hospital. The superintendent of either hospital with the approval of the board of trustees may on receipt of formal application in writing before the date of expiration of such leave of absence grant an extension of time for another six months.

Visitation by a Committee of the Council.

Sec. 35. Committee of visitors; their powers and duties. R. S. c. 145, § 35. A committee of the council consisting of two, with whom shall be associated one woman, shall be appointed by the governor annually, who shall visit both hospitals at their discretion, to ascertain if the inmates thereof are humanely treated, and they shall promptly report every instance of abuse or ill treatment, to the trustees and superintendent of the hospital, who shall take notice thereof, and cause the offender to be punished as required by section eleven.

Sec. 36. Wilful injury to patients, by officers of the hospital, punishment. R. S. c. 145, § 36. If wilful injury is inflicted by an officer, attendant, or employee of either hospital upon the person of any patient and knowledge thereof comes to said committee of visitors, they shall report the fact immediately to said trustees and to the superintendent of the hospital where such injury

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was committed, and if the superintendent fails forthwith to complain thereof as required by section eleven, one of said visitors shall enter a complaint before the proper court. In trials for such offenses, the statement of any patient cognizant thereof, shall be taken and considered for what it is worth; and no one connected with the hospital shall sit upon the jury trying the case.

Sec. 37. Inquest held on sudden death. R. S. c. 145, § 37. In case of the sudden death of a patient in either hospital under circumstances of reasonable suspicion, an examination and inquest shall be held as in other cases, and the superintendent or committee of visitors shall cause a medical examiner to be immediately notified for that purpose.

Sec. 38. Patients may be discharged, when unnecessarily detained; this section does not apply to commitments by order of court. R. S. c. 145, § 38. If the committee of visitors becomes satisfied that an inmate of either hospital has been unnecessarily and wrongfully committed, or is unnecessarily detained and held as a patient therein, they shall apply to some judge of the supreme judicial court, or to the judge of the superior court or court of probate within the county where the restraint exists for a writ of habeas corpus, who shall issue the same, and cause such inmate to be brought before him, and after notice to the party procuring his commitment and a hearing of all interested in the question at issue, if satisfied that such inmate is not a proper subject for custody and treatment in the hospital, he shall discharge him from the hospital and restore him to liberty. But this section does not apply to the case of any person charged with, or convicted of crime, and committed to the hospital by order of court.

Sec. 39. Names of visiting committee to be posted in the wards; inmates allowed to write to committee. R. S. c. 145, § 39. The names of the committee of visitors and the post-office address of each shall be kept posted in every ward of each hospital, and every inmate shall be allowed to write when and whatever he pleases to them or either of them, unless otherwise ordered by a majority of the committee in writing, which order shall continue in force until countermanded in writing by said committee. For this purpose, every patient, if not otherwise ordered as aforesaid, shall be furnished by the superintendent, on request, with suitable materials for writing, enclosing and sealing letters. The superintendent shall provide at the expense of the state, securely locked letter-boxes, easily accessible to all inmates, to be placed in each hospital, into which such letters can be dropped by the writer. No officer, attendant, or employee of either hospital shall have the means of reaching the contents of these boxes, but the letters in them shall be collected weekly by some member of the committee, or by such person as the committee authorize for the purpose, who shall prepay such only as are addressed to some one of the committee, and deposit them in the post-office without delay.

Sec. 40. Letters to be delivered to patients, unopened. R. S. c. 145, § 40. The superintendent, or party having charge of any patient, shall deliver to him any letter or writing to him directed, without opening or reading the same, provided, that such letter has been forwarded by the committee, or is directed to such persons as the committee have authorized to send or receive letters without the committee's inspection.

Sec. 41. Visits of committee regulated. R. S. c. 145, § 41. Each hospital shall be visited as often as once in every month by at least one member of the committee, and this visit shall be made at irregular, and not at stated periods; no previous notice, information, or intimation thereof shall be given or allowed to the superintendent, or any officer, attendant, or employee of the hospital,

but so far as possible all visits shall be made unexpectedly to the superintendent and all others having the care of the hospital and its inmates; and in no case shall the committee, when making their visits through the wards, be accompanied by any officer or employee of the hospital, except upon the special request of some one of the committee.

Sec. 42. Committee of visitors to report annually. R. S. c. 145, § 42. The committee of visitors shall make report to the governor and council on the first day of December annually, and as much oftener as the welfare of the patients or the public good requires, setting forth their doings and any facts with regard to the hospitals which they deem important. The accounts of the members of said committee, including a reasonable sum for the letter-carrier provided for in section thirty-nine, shall be audited by the state auditor, and the governor and council shall draw their warrant on the treasurer of state for the amount found due.

Sec. 43. Removal for neglect of duties. R. S. c. 145, § 43. Any person neglecting to perform the duties imposed upon him by this chapter is removable from office by the authority from whom he received his appointment, and if removed, is forever ineligible to office or place in the hospital.

Recommitment of Patients.

Sec. 44. Application by superintendent for recommitment. R. S. c. 145, § 44. Whenever the superintendent of either hospital is in doubt as to the legality of the commitment of any person, now or hereafter committed to the hospital of which he is superintendent, he may apply in writing to the judge of the municipal or police court of the city where such person is then detained under such commitment, stating therein the material facts connected therewith and annexing thereto copies of all papers under which such person is so detained, with a prayer that the condition of such person may be inquired into and such decree made as to his commitment as justice may require.

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Sec. 45. Proceedings; notice, hearing, adjudication, record. R. S. c. 145, § 45. Such judge shall thereupon appoint a time and place for a hearing by him of the allegations of such application; shall cause to be given in hand to the person so alleged to be insane, at least twenty-four hours prior to the time of said hearing, a true copy of said application together with a notice of the time and place of said hearing and that he has a right and will be given opportunity then and there to be heard in the matter; shall call before him all testimony necessary for a full understanding of the case; shall personally examine and interview such person whether he shall or shall not appear at such hearing; shall require and receive the evidence of at least two reputable physicians, not in the employ of either hospital to be given under oath before such judge together with a certificate signed by such physicians and filed with such judge that in their opinion, such person is insane, such evidence and certificate to be based upon due inquiry and personal examination of the person to whom insanity is imputed; and if such judge thinks such person insane and that his comfort and safety, or that of others interested, will thereby be promoted, he shall forthwith commit him to that insane hospital the superintendent of which made said application, with a certificate stating the fact of his insanity, and the town in which he resided or was found at the time of the examination referred to in the original papers of commitment annexed to the foregoing application, and directing the superintendent to receive and detain him until

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he is restored or discharged by law, or by the superintendent or trustees. A certified copy of the physicians' certificate shall accompany said order of commitment made hereunder. Such judge shall keep a record of his doings and furnish a copy to any interested person requesting and paying for it.

*101 Me. 259.

Sec. 46. Expenses paid by state. R. S. c. 145, § 46. All the fees, costs, and expenses incident to any such hearing shall be taxed by such judge, audited by the state auditor and allowed by the governor and council who shall include therein a reasonable compensation for such judge. Payment thereof shall be made from any moneys in the treasury not otherwise appropriated.

Note. Act accepting Kennebec Arsenal for uses of Augusta state hospital, P. L. 1905, c. 175.

Resolve accepting Widow's Island, in Penobscot Bay, and authorizing its use as a summer home for patients of the insane hospitals, 1905, c. 161; act placing island under control of trustees of the insane hospitals, P. L. 1905, c. 176; name changed to Chase Island, P. & S. L. 1907, c. 179.

Resolve accepting gift from Hon. Frederick Robie, for benefit of inmates of the insane hospitals, 1911, c. 159.

Pownal State School.

Sec. 47. Management of school; ages of inmates; rules and regulations. R. S. c. 145, § 47. 1921, c. 60. 1925, c. 33. The hospital trustees shall have the general management and supervision of the Pownal state school, established at Pownal, in the county of Cumberland, for the care and education of idiotic and feeble-minded males, between the ages of six years and forty years, and females, between the ages of six years and forty-five years, except that idiotic and feeble-minded state paupers of either sex or patients transferred from either state hospital for the insane under the provision of section six of this chapter may be admitted after the above stated ages. The trustees may make all necessary rules and regulations as to admission to said institution and for the government and control of said institution and its inmates, and do everything necessary to properly care for and educate the feeble-minded of the state. One or more of said trustees shall visit said school as often as once each month, and the board of trustees shall annually on or before the first day of October of each year furnish a report to the governor and council, containing a history of the school for the year and a complete statement of all accounts, and of all funds, general and special, appropriated or belonging to said school, with a detailed statement of disbursements.

See c. 157, § 1.

Sec. 48. Payment for support of inmates. R. S. c. 145, § 48. All indigent and destitute persons in this state, who are proper subjects for said school, and have no parents, kinsmen, or guardian able to provide for them, may be admitted as state charges and all other persons in this state, who are proper subjects for said school, when parents, kinsmen, or guardian bound by the law to support such persons are able to pay, shall pay such sum for care, education, and maintenance of such persons as the trustees shall determine, and such persons from other states having no such institution or similar school may be received into such school when there is room for them without excluding state charges, at a cost to such person or those who are legally responsible for their maintenance, of not less than three dollars and twenty-five cents per week.

Sec. 49. Judge of probate may commit. R. S. c. 145, § 49. Whenever it is made to appear, upon application to the judge of probate for any county and after due notice and hearing, that any person resident in said county, or any inmate of the state school for girls, the state school for boys, the Bath military and naval orphan asylum, or any person supported by any town, is a fit sub-

ject for the Pownal state school such judge may commit such person to said school by an order of commitment directed to the hospital trustees accompanied by a certificate of two physicians who are graduates of some legally organized medical college and have practiced three years in this state, that such a person is a proper subject for said institution; provided no such order of commitment shall issue until an application for admission of such person has first been made to the hospital trustees, which shall be placed on file at the institution and evidence thereof presented to the judge of probate, accompanied by a certificate of the superintendent, stating, in substance, that such person will be received under the provisions of section fifty-one of this chapter, when properly committed. Whenever, upon such application, there is occasion for the judge of probate to attend a hearing on days other than days fixed as the regular day for holding the probate court, said judge of probate shall be allowed five dollars per day for his services and expenses, which shall be paid by the county treasurer upon the certificate of the county commissioners.

Sec. 50. Order of committal subject to appeal; discharge of inmates. R. S. c. 145, § 50. Any order of committal under the preceding section shall be subject to appeal in the same manner, by the same persons and to the same extent, that decrees of the judge of probate appointing guardians over persons alleged to be insane or incompetent or spendthrift, and no committal under said section shall bar habeas corpus proceedings, but the court upon habeas corpus proceedings may confirm the order of commitment whenever justice requires. Any inmate of the school may be discharged by a majority of the trustees or by a justice of the supreme judicial court, or of either superior court, whenever a further detention in such school in their opinion is unnecessary; but any person so discharged who was under sentence of imprisonment at the time of his commitment, the period of which shall not have expired, shall be committed or remanded to prison for such unexpired time.

Sec. 51. Order of admittance. R. S. c. 145, § 51. Feeble-minded persons shall be admitted to the institution in the following order: first, feeble-minded persons who are now in public institutions supported entirely at public expense; second, feeble-minded persons in public institutions not supported as aforesaid; third, feeble-minded persons who are not in any institution of the state, who have no parents, kinsmen, or guardian able to provide for them, or who are committed by a judge of probate; fourth, those residing within the state whose parents, kinsmen, or guardian bound by law to support such persons are able to pay; fifth, persons of other states whose parents, kinsmen, or guardian are willing to pay.

Sec. 52. Penalty for aiding escape of inmates; fugitives may be returned. R. S. c. 145, § 52. Whoever aids or abets any one committed to the Pownal state school in escaping therefrom, or who knowingly harbors or conceals any one who has escaped from said school, shall be punished by fine of not less than fifty, nor more than one hundred dollars, or by imprisonment in the county jail for not more than sixty days. Any fugitive from said school may, on order of the superintendent or hospital trustees, be arrested and returned to said school, or to any officer or agent thereof, by any sheriff, constable, or police officer or other person; and may also be arrested and returned by any officer or agent of said school.

Note. Trespass on lands used for school for feeble-minded punished, c. 139, § 16.

Commitment, Observation, and Care of Insane Persons.

Sec. 53. Commitment of persons of unsound mind for observation. 1919, c. 232, § 1. If a person is found by two physicians qualified as examiners in insanity, to be in such mental condition that his commitment to an institution for the insane is necessary for his proper care or observation, he may be committed by any judge or any other officer authorized to commit insane persons to either of the state hospitals for the insane, under such limitations as the judge may direct, pending a determination of his insanity.

Sec. 54. Voluntary patients may be received at state hospitals for insane; release on request. 1919, c. 232, § 2. The superintendent in charge of either of the state hospitals to which an insane person may be committed, may receive and detain therein, as a boarder and patient, any person who is desirous of submitting himself to treatment and who makes written application therefor, and whose mental condition in the opinion of the superintendent or physician in charge is such as to render him competent to make the application. Such superintendent shall give immediate notice of the reception of such voluntary patient to the board of state hospital trustees. Such patient shall not be detained for more than ten days after having given notice in writing of his intention or desire of leaving the institution. The charges for support of such a voluntary patient shall be governed by the laws or rules applicable to the support of an insane person in such institution.

Sec. 55. Proceedings as to commitment of patients for temporary observation; removal of patients when treatment unnecessary and formal commitment when necessary; expenses, how met. 1919, c. 232, § 3. The superintendent of either of the state hospitals, to which an insane person may be legally committed, may, when requested by a physician, a member of the board of health, a health officer, a police officer of a city or town, receive and care for as a patient in such institution for a period not exceeding fifteen days, any person who needs care and treatment because of his mental condition. Such request for admission of a patient shall be in writing and filed at the institution at the time of the reception of the patient, together with a statement in a form prescribed or approved by the board of state hospital trustees, together with a statement giving such information as said board may deem appropriate. Such a patient who is deemed by the superintendent not suitable for such care, shall upon the request of the superintendent be removed forthwith from the institution by the person requesting his reception, and if he is not so removed, such person shall be liable for all reasonable expenses incurred under the provisions of this act, on account of the patient, which may be recovered by the institution in an action of contract. Such superintendent shall cause every patient to be duly committed according to law, provided he shall not sign a request to remain as a voluntary patient or to be removed therefrom before the expiration of such period of fifteen days. All reasonable expenses incurred for the examination of the patient, for his transportation to the institution and for his support therein, shall be allowed, certified, and paid according to the laws providing for similar expenses in the commitment and support of the insane.

Sec. 56. Appointment of specialists for care of temporary patients; department of community service, organization and duties of; superintendents of hospitals for insane, etc., to cooperate with other state institutions; dissemination of knowledge as to mental diseases; expenses of department. 1919, c. 232, § 4. Every state institution, to which an insane, feeble-minded or epileptic person

may be committed, shall appoint a physician experienced in the care and treatment of such persons, also the necessary assistants to such physician and shall organize and administer under his direction a department for community service in the district served by the institution. The duties of said department shall be:

First: The supervision of patients who have left the institution with a view to their safe care at home, suitable employment, and self support under good working and living conditions, and prevention of their relapse and return to public dependency.

Second: Provision for informing and advising any indigent person, his relatives, or friends and the representatives of any charitable agency as to the mental condition of any indigent person, as to the prevention and treatment of such condition, as to the available institutions or other means of caring for the person so afflicted, and as to any other matter relative to the welfare of such person.

Third: Whenever it is deemed advisable the superintendent of the institution may co-operate with other state departments such as health, education, charities, penal, probation, etc., to examine upon request and recommend suitable treatment and supervision for

(a) Persons thought to be afflicted with mental or nervous disorder.

(b) School children who are nervous, psychopathic, retarded, defective, or incorrigible.

(c) Children referred to the department of juvenile courts.

Fourth: The acquisition and dissemination of knowledge of mental disease, feeble-mindedness, epilepsy, and allied conditions, with a view to promoting a better understanding and the most enlightened public sentiment and policy in such matters. In this work the department may co-operate with local authorities, schools, and social agencies.

The necessary expenses of said department shall be paid from the general maintenance of the institution, subject to the approval of the board of state hospital trustees.

Sterilization in Certain Cases.

Sec. 57. Sterilization may be performed to prevent reproduction of feeble-mindedness or in treatment of mental disease; consent necessary; procedure prior to operation. 1925, c. 208, §§ 1, 2. The operations of vasectomy and fallocotomy may be performed under the conditions and within the restrictions herein described, and under such provisions shall be lawful.

When either of the recognized sterilizing operations herein referred to may be indicated for the prevention of the reproduction of further feeble-mindedness, or for the therapeutic treatment of certain forms of mental disease, physicians having the custody of such cases may recommend to the nearest relative, guardian, and affected individual the advisability and necessity of such operation; and when the written consent of the patient, when mentally competent to give such consent, as well as that of the nearest relative or guardian is given, the physician having the custody aforesaid of said case shall call a counsel of two registered medical practitioners—one a physician and one a surgeon—of not less than five years' practice and not related to the patient, whose duty it shall be in conjunction with the physician in charge of the case, to examine the individual recommended for operation. Whether the person to be operated upon is mentally capable of giving his consent shall be decided by the consultants and stated in writing, with their reasons therefor, and such

written statement shall be kept on file at the Pownal state school and in case they find that the patient is mentally incapable of giving his consent, the consent of the guardian or nearest relative must be secured. If in the judgment of the consulting physicians the operation will prevent the further propagation of mental deficiency, or if in the judgment of the medical consultants the physical or mental condition of any such person will be substantially benefited thereby, then the consultants shall select a competent surgeon to perform the operation of fallectomy or vasectomy, as the case may be, upon such person.

CHAPTER 156.

State Sanatoriums for Treatment of Tuberculosis.

Sec. 1. Establishment and maintenance of one or more sanatoriums. R. S. c. 146, § 1. The state shall establish and maintain by building, lease, or by purchase one or more sanatoriums in such districts of the state as shall seem best to serve the needs of the people for the care and treatment of persons affected with tuberculosis. Where lease or purchase is made the state shall have the right to enlarge or otherwise adapt the property to meet the needs of the situation; and such additions or improvements shall be considered permanent. At the expiration of the original lease of any property for use as a tuberculosis sanatorium the state shall have the right of release or of purchase.

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Sec. 2. Appointment of trustees; their tenure. R. S. c. 146, § 2. The government of the several sanatoriums shall be vested in a board of five trustees, inhabitants of the state, who shall be known as "Board of Trustees for Tuberculosis Sanatoriums." Upon the expiration from time to time of the terms of the trustees originally appointed, and annually thereafter, the governor with the advice and consent of the council, shall appoint a member of said board to hold office for the term of five years; not more than three members of any one political party shall serve on the board of trustees at the same time. Any vacancy occurring during a term shall be filled by the appointment of a person to hold office for the remainder of the term of the person whose place he fills. The governor with the advice and consent of the council, may remove any trustee for cause.

Sec. 3. Duties of the trustees; appointment of superintendent and staff. R. S. c. 146, § 3. The board shall have the general management and supervision of the state tuberculosis sanatoriums, and one or more of the trustees shall visit each institution under supervision at least once each month. The board shall as soon as practicable erect necessary buildings or alter any buildings on property acquired, for sanatorium use in the proper care and treatment of persons sick with tuberculosis. They may appoint the superintendents, physicians, assistants, and other employees, for the proper administration of the several sanatoriums, and fix their compensation; and shall have like duties and like powers as those required of or vested in the trustees of other state hospitals. The acts of the board of trustees shall be subject to the approval of the governor and council.

Sec. 4. Trustees may hold in trust any gift or grant of land. R. S. c. 146, § 4. The board of trustees may accept and hold in trust for the state, any grant or devise of land, or any gift or bequest of money or other personal prop-

erty, or any donation to be applied, principal or income, or both, for the benefit of either or all said sanatoriums; and to apply the same in accordance with the terms of the gift.

Sec. 5. Admittance of patients; charges for treatment. R. S. c. 146, § 5. 1917, c. 264. Persons having legal residence in Maine shall be admitted to these sanatoriums from any part of the state; provided after due examination by any reputable physician or the superintendent of the sanatorium said person shall be found to be suffering from tuberculosis. All patients in the state sanatoriums shall pay to the state the actual cost of such treatment including all board, supplies, and incidentals; provided that the trustees of said sanatoriums may, after a proper investigation of the financial circumstances of the patient, either before or after admission, if they find said patient or his or her relatives are unable to pay said cost in whole or in part, waive such cost charge or so much thereof as they deem the circumstances warrant and provided further, that said trustees in granting admissions to said sanatoriums after giving consideration to the need of treatment by and the menace to other persons of, the prospective patient, shall not give preference to any person because of his ability to pay the whole or any part of said cost charge. No discrimination shall be made in the accommodation, care, or treatment of any patient because of the fact that the patient or his relatives do or do not contribute in whole or in part to the charge for treatment; and no officer or employee of such state sanatorium shall accept from any patient thereof any fee or gratuity whatever for any service rendered.

Sec. 6. Approval and payment of expenses; annual report of trustees. R. S. c. 146, § 6. 1917, c. 74. The governor and council shall, before the payment thereof, approve all bills of the board of trustees contracted in establishing and maintaining or operating the state tuberculosis sanatoriums. The board of trustees shall on or before the first day of October of each year, make a report to the governor and council, containing a history of the several sanatoriums for the year and a complete statement of all accounts, with all the funds, general and special, appropriated or belonging to said sanatoriums, including a detailed statement of disbursements.

Sec. 7. Inmates of state prison or men's reformatory afflicted with tuberculosis may be transferred to state sanatoriums. 1921, c. 31. Whenever any inmate of the state prison or of the men's reformatory shall become afflicted with tuberculosis so that the welfare of such inmate or the safety of the other inmates of such institution shall require his removal therefrom, the board of prison commissioners or the trustees of said reformatory, with the approval of the governor, may cause him to be removed to one of the state sanatoriums, to be there kept and treated until he may safely be returned to said prison or reformatory. In the admission of new patients the officers of such sanatoriums shall give preference to persons transferred under this act.

CHAPTER 157.

Department of Public Welfare.

Sec. 1. Appointment, qualification, and tenure of commissioners, officers; rules governing state institutions must be approved by the department. R. S. c. 147, § 1. 1925, c. 14. 1927, c. 48. The commissioners of the department of public welfare shall consist of five persons, at least one of whom shall be a woman, appointed by the governor, with the advice and consent of the council, for terms of five years [upon the expiration of the terms of the present members]. Any vacancy occurring during a term shall be filled in like manner for the remainder of the unexpired term. They are designated in this chapter as the "commission" or the "department." The commission shall be non-partisan politically. Regular meetings of the commission shall be held quarterly, or oftener, if required, and a suitable room shall be provided in the state house for its use. The commission shall elect from their number a president, who shall hold office for such term as shall be fixed by the commission, shall appoint a secretary and agents, all subject to approval and removal by the governor, and make such rules and orders for the regulation of its proceedings as it may deem necessary. All rules and regulations governing the administration of state institutions must be approved by the commission and no superintendent, agent, or other under-official shall have any discretionary power to change such rules and regulations.

Sec. 2. Appointment and qualification of secretary; accounts of secretary, approved and audited; expenses and salary of secretary, how paid. R. S. c. 147, § 2. 1917, c. 80, § 1. The commission shall appoint a secretary, not of their own number, who shall have been a resident of the state for at least five years, and shall be qualified by special knowledge and experience in charitable, correctional, and institutional work; he shall receive for his services, in addition to his traveling and other necessary expenses, such salary as may be agreed upon by the commission, with the approval of the governor and council. The accounts of such secretary for his travelling and other necessary expenses shall be approved by the commission, audited by the state auditor and, together with the salary of such secretary not exceeding twenty-five hundred dollars, shall be paid out of the state treasury upon certificate of the state auditor.

Sec. 3. Duties of the commissioners; officers of institutions to furnish statistics and information; commissioners may prescribe forms for reports and make investigations; when authorized by governor and council may summon witnesses; report. R. S. c. 147, § 3. The commission shall investigate and inspect the whole system of public charities and correctional institutions in the state and the work of any department of the same, examine into the condition and management of all prisons, jails, reform schools, industrial schools of a charitable or correctional nature, children's homes, hospitals, sanatoriums, almshouses, orphanages, hospitals for the insane, schools or homes for feeble-minded and any and all other institutions of such nature which derive their support wholly or in part from state, county, or municipal appropriations, but not including any institution of a purely educational or industrial nature; any private institution of a charitable or correctional nature may upon application and

request in writing made to the secretary of the commission, be included in the list of institutions under the inspection of said commission and become subject to the provisions of this chapter. The officers in charge of all institutions of a charitable or correctional nature under the inspection of the commission, and local boards or committees having any powers or duties relative to the management of the same, and those who are in any way responsible for the administration of public funds used for the relief or maintenance of the poor, shall furnish to the commission or its secretary such information and statistics as may be demanded. The commission may prescribe such forms, not inconsistent with those otherwise prescribed by law, as it may deem necessary to secure uniformity and accuracy in the statements of the several institutions and officials reporting. The commission in its discretion, with the consent of the governor, may at any time make an investigation of the management of any charitable, reformatory, penal, or other institution subject to its supervision; and when authorized by the governor and council, the commission shall in making such investigation have authority to summon witnesses and demand the production of papers and documents material as evidence, and to compel the attendance of such witnesses and the production of such papers and documents by punishment for contempt in case of wilful failure, neglect, or refusal to attend on the part of any person summoned as a witness, or to produce such papers or documents when ordered by the commission, and shall have authority to administer oaths and affirmations; the report of such investigations, with the testimony and conclusions of the commission thereon, shall be made to the governor and council and may be submitted by them with their recommendations, to the legislature.

Sec. 4. Visitation duties; on request department to give information to governor and council, to legislature or to committee thereof. R. S. c. 147, § 4. Each institution under the inspection of the commission shall be visited at least once each year by a member of the commission or by the secretary of the commission or an authorized agent employed by the commission for that purpose, and as much oftener as may be found expedient, and at such times said visiting member or secretary shall consult with the officers of such institutions and make such recommendations and suggestions as to the management thereof as may seem advisable; the commission as a whole shall, whenever it seems to be necessary, formally recommend to the trustees or boards of management of any such institution or of any department of public charities or corrections such course of action in the conduct of said institution or department as the commission shall deem best. The commission shall also give to the governor, or governor and council, or to the legislature or any committee thereof, at any time upon their request, or when the commission shall deem it necessary, information and advice with reference to any charitable or correctional institutions which the commission is required by this chapter to inspect or investigate, or as to which it is required to collect information or statistics; provided, however, that before any report shall be made by the commission to the governor and council, or to the legislature, recommending any change in the policy or management of any institution, reasonable notice thereof shall be given to the trustees or boards of management of the same.

Sec. 5. License for solicitation of charitable funds. R. S. c. 147, § 5. No person, firm, corporation, or association shall solicit funds for charitable or benevolent purposes outside of the municipality where such person resides or where such firm, corporation, or association has its place of business, without having in full force a written license therefor from the department of public

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welfare; provided, that this section shall not apply to any person or organization already under the supervision of said department on the third day of July, nineteen hundred and fifteen, by virtue of the provisions of this chapter. No license shall be granted for a term exceeding one year. It shall state the name of the licensee, his residence or place of business, and for what purpose the funds are to be solicited. The commission shall grant such license whenever it shall be shown to their satisfaction that the person or organization requesting the license is reputable and responsible and has suitable facilities for applying the funds to the purpose for which they are to be solicited, and that the records of such funds and the purpose for which they are used will be properly and accurately kept. Such license shall be furnished to the licensee without fee or charge, and may be revoked by the commission whenever in its discretion it seems for the best interest of the public so to do.

Sec. 6. Commission to advise as to organization of institutions. R. S. c. 147, § 6. The commission shall give their opinion as to advisability of the proposed organization and incorporation of all institutions of a charitable, eleemosynary, correctional or reformatory character which are or shall be subject to the supervision and inspection of the department.

Sec. 7. Plans for new jails, etc., to be submitted to the department. R. S. c. 147, § 7. All plans and specifications for new jails, workhouses, prisons, reformatories, children's homes, almshouses, hospitals, or other similar institutions and buildings for charitable or correctional purposes, which are to be in any way under the inspection of the department, shall be submitted to the commission for criticism and suggestions before the same are accepted.

Sec. 8. Overseers of the poor, etc., to keep records and make annual returns to the department; department to make annual returns with tabulation of statistics. R. S. c. 147, § 8. Overseers of the poor and all other officers having charge of the administration of pauper funds shall keep full and accurate records of the paupers fully supported, the persons relieved and partially supported, and the travelers and vagrants lodged at the expense of their respective towns, together with the amount paid by them for such support and relief and shall annually make return of the number of such persons supported and relieved, with the cost, to the department of public welfare. From the returns made by the overseers of the poor or other officers responsible for the administration of pauper funds the commissioners shall prepare and print in their annual report a complete statement and table of all statistics and information thus obtained.

Sec. 9. Report of commissioners. R. S. c. 147, § 9. 1917, c. 80, § 2. The commissioners shall in January, April, July, and October of each year make a quarterly report to the governor, showing the actual condition of the various institutions under their supervision which have been inspected by the members of the commission, their secretary or other agents during the preceding three months with suggestions and recommendations as they may deem necessary and advisable, and shall publish a quarterly bulletin, in which shall be included a summary of such reports and recommendations. The commission shall biennially on or before the first day of January in each year in which the legislature convenes, prepare and print, for the use of the legislature, a full and complete financial and statistical report of the various institutions under its supervision, and a statement of all expenses incurred and all officers and agents employed, for the two-year period ending on the thirtieth day of June preceding, with such suggestions and recommendations as it may deem necessary or advisable.

Sec. 10. Commission or secretary not to be interested in any contracts. R. S. c. 147, § 10. No member of said commission or their secretary or any agent thereof shall be directly or indirectly interested in any contract for the purchase of land or for building, altering, or repairing any institution or building, which by this chapter they are authorized to visit and inspect, or for furnishing materials or supplies for the same, nor shall any officers of such institution be eligible to appointment on the said commission.

Sec. 11. Failure to perform imposed duties, penalty. R. S. c. 147, § 11. Whoever violates any provision of section five, or wilfully fails, neglects, or refuses to perform any of the duties imposed upon him by the provisions of this chapter, shall be punished by fine of not more than five hundred dollars, or by imprisonment for not more than six months.

Sec. 12. Attorney-general to furnish legal assistance. R. S. c. 147, § 12. The attorney-general and the several county attorneys within their respective counties, when requested, shall furnish such legal assistance, counsel, or advice as the commission may require in the discharge of their duties.

See c. 2, §§ 121-124.

Note. Children in charge of state department of public welfare, c. 72, § 56.