

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

dollars; each of the guard, three hundred and fifty dollars. The warden may board the subordinate officers, overseers, and guards, at a price, to be fixed by the governor and council, not to exceed two dollars and fifty cents per week, to be deducted from their salaries. CHAP. 141.

SEC. 48. The governor with advice of council is authorized to draw warrants on the treasury of the state in favor of the warden for all such sums of money, as they, from time to time, deem proper, which are appropriated by the legislature for the support of the state prison. Appropriations to be paid to the warden.
R. S. c. 140,
§ 46.

CHAPTER 141.

HOUSES OF CORRECTION.

COUNTY HOUSES OF CORRECTION.

- SEC. 1. County commissioners to provide house of correction, appoint master, supply tools and materials for work, and establish rules. Jail to be used till such is provided.
2. Appointment, powers, duties and compensation of overseers.
 3. Supervision by overseers.
 4. Description of persons liable to be sent to house of correction, and the term of their confinement.
 5. Conditions of discharge at the end of the term.
 6. Provisions for extension in case of paupers.
 7. Master to give notice to the overseers of the poor where the house of correction is, and they, to the overseers of the town where the prisoner has his settlement.
 8. Employment and restraints of prisoners.
 9. Punishment by abridgment of food.
 10. Allowance to prisoners from their earnings.
 11. Provision for the sick and disabled.
 12. Master to render account of prisoners' earnings. Special allowance to him in certain cases.
 13. Master may demand sums due him of the prisoner, his parents, master or guardian, or the overseers of the town.
 14. Suit therefor against such parties within two years.
 15. Kindred of the prisoner liable to master or town.
 16. Expenses of prisoners committed by court, how paid.

TOWN HOUSES OF CORRECTION.

- SEC. 17. Town houses of correction and their object.
18. Overseers thereof.
 19. Of work houses appropriated to the like uses.
 20. Compensation of overseers and master.
 21. Duties of the overseers.
 22. Support of the prisoners.

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24. Form of the order for commitment.

COUNTY HOUSES OF CORRECTION.

County commissioners to provide house of correction, &c.
R. S. c. 141, § 1.

SEC. 1. The county commissioners in each county shall erect or otherwise provide, at the expense of the county, a convenient house of correction, where not already done, with suitable adjoining accommodations, to be used for the custody, reform, and employment of offenders lawfully committed thereto; procure and keep suitable materials, implements, and other necessities sufficient at all times to keep them at work; appoint a suitable master of such house to hold his office during their pleasure; and establish such rules and orders, not repugnant to law, as they deem necessary for the purposes aforesaid, and for managing the prudential concerns of the institution; but until such house is thus provided, the county jail may be used for that purpose.

Appointment, powers, duties and compensation of overseers.
R. S. c. 141, § 2.

SEC. 2. Where circumstances require it, they shall annually appoint three or five suitable and discreet persons of their county, living near the house of correction, to be overseers thereof, who shall see that the rules and orders, established for the government of such house and the persons confined therein, are duly observed; examine the master's accounts relating to the earnings of the prisoners and expenses of the institution; keep a fairly written register of all their official proceedings; make contracts for work to be done in the house with any person disposed to supply the materials therefor, and for letting out any of the prisoners to employers living near enough, in their opinion, to the house of correction, for the overseers or master to have a general inspection of their conduct and treatment; and receive from the earnings of the prisoners, or if they are insufficient, from the county treasury, a reasonable compensation, to be allowed by the commissioners.

Supervision by overseers.
R. S. c. 141, § 3.

SEC. 3. The commissioners may remove the overseers, and fill all vacancies happening by removal, resignation, or otherwise; and at least as often as every regular session, inquire into the state of the house of correction, examine the register and accounts of the overseers and master, and make any legal alterations in the treatment and government of the prisoners that they deem expedient.

Persons liable to be sent to house of correction, &c.
R. S. c. 141, § 4.

SEC. 4. Any trial justice in his county, on complaint under oath, for a term not exceeding thirty days, and the supreme judicial court, on indictment, for a term not exceeding six months, may commit to said house 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 discover lost or stolen goods; common pipers, fiddlers, run-aways, drunkards, night-walkers, railers, brawlers, and pilferers; persons wanton or lascivious in speech or behavior, or neglecting their callings or employments, mis-spending what they earn, and not providing for the support of themselves and their families. CHAP. 141.

SEC. 5. At the expiration of the term, the prisoner shall not be discharged, until he pays all arrears of costs and expenses attending his commitment, support, and employment in such house; unless the overseers of the poor, where the house is, or of the town to which he belongs, pay such arrears, and in writing certify to the master, that, in their opinion, the public good will not require his longer confinement. Conditions of discharge at the end of the term.
R. S. c. 141, § 5.

SEC. 6. Notwithstanding the payment of such costs and expenses, if the prisoner has actually received relief as a pauper, the overseers of the poor in either of said towns, on complaint to the justice or court by whom they were committed, may procure an extension of the confinement, of not more than thirty days at a time, by the justice, nor more than six months, by the court; 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. Provision for extension in case of paupers.
R. S. c. 141, § 6

SEC. 7. Such masters, within ten days after the commitment of any person to such house of correction, shall 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. Master to give notice to overseers of the poor where the house of correction is, &c.
R. S. c. 141, § 7.
22 Me. 385.
51 Me. 457.

SEC. 8. 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 put shackles or fetters on them to prevent resistance or escape, without unnecessarily inflicting pain or interrupting labor. Employment and restraints of prisoners.
R. S. c. 141, § 8.

SEC. 9. If any 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. Punishment by abridgment of food.
R. S. c. 141, § 9.

SEC. 10. The prisoners shall be allowed two-thirds of their net earnings for their support, and the residue shall belong to the master, unless they are heads of families; then the whole net profit of their labor, or so much thereof as the county commissioners order, shall be for the relief and support of them and their families. Allowance to prisoners from their earnings.
R. S. c. 141, § 10.

SEC. 11. If any prisoner, from sickness or other cause, is unable to work so as to support himself from his share of earnings, the mas- Provision for the sick and disabled.

CHAP. 141. ter shall provide for him comfortably, and be reimbursed as herein after provided.

R. S. c. 141,
§ 11.

Master to render account of prisoners' earnings, &c.
R. S. c. 141,
§ 12.

SEC. 12. The master shall keep an exact account of all profits and earnings of prisoners, and of his disbursements for their support, specifying the times of their commitment and liberation, and present it, on oath, to the commissioners of his county, annually and oftener if directed, and they may make him such further allowance, as they think reasonable, in special cases, for his care, labor, and services, besides the third of the earnings as before provided.

Master may demand sums due him of the prisoner, &c.
R. S. c. 141,
§ 13.
51 Me. 457.

SEC. 13. When a sum of money is due the master under the provisions of this chapter from any prisoner, and his account is duly allowed and certified to be correct by the commissioners, he may demand it of the prisoner, if of age, otherwise, of his parent, master, or guardian; and if the party liable is not able to pay, he may demand it of the overseers of the town where such prisoner has his legal settlement.

Suit therefor within two years.
R. S. c. 141,
§ 14.
22 Me. 385.

SEC. 14. At any time within two years from the date of the certificate of allowance, and fourteen days after such demand in writing, if the money remains unpaid, the master may commence his action for it, declaring as on an implied promise, and recover what is found justly due, of the prisoner, his parent, master, guardian, or town, as the case requires, with legal interest from the date of demand, and costs; if the party respondent was duly notified by the commissioners before the allowance of said account, their certificate shall be presumptive evidence of the correctness thereof; and, in either case, it may be disproved by evidence on the part of the respondent.

Kindred of prisoner liable to master or town.
R. S. c. 141,
§ 15.

SEC. 15. If there is kindred, obliged by law to maintain the prisoner, as provided in chapter twenty-four, such master or the town, obliged to pay his account, may have the same remedy to recover it of such kindred, as is provided in that chapter for towns, which have incurred expense for the relief and support of paupers.

Expenses of prisoners committed by court, how paid.
R. S. c. 141,
§ 16.

SEC. 16. When any person, convicted before the supreme judicial court for an offence punishable by imprisonment or fine, is committed to the house of correction, the expenses of keeping, supporting, and employing such offender, after deducting the net amount of his earnings, shall be allowed by the commissioners of the county, and be paid to the master of such house out of the county treasury, with the same right of reimbursement from the treasury of the state, as the accounts of jailers for prison charges, for persons confined for offences against the state.

TOWN HOUSES OF CORRECTION.

Town houses of correction and their object.
R. S. c. 141,
§ 17.

SEC. 17. Any town, at its own expense, may build and maintain a house of correction, or may appropriate in part or in whole any work-house owned by such town for such purpose; and any person belonging to or found in such town, liable to be sent by a trial justice

to the county house of correction, may be sent to such town house by any justice of such town, and by the like process; but the provisions of this section shall not restrain such justice from committing any person so liable to the county house of correction; and the respondent party may appeal as in other cases. CHAP. 141.

SEC. 18. The selectmen of any such town shall annually appoint three, five, or seven discreet persons, overseers of such house, and may establish, from time to time, such rules and orders not repugnant to law, as they deem necessary for governing and furnishing persons lawfully committed thereto. Overseers thereof.
R. S. c. 141,
§ 18.

SEC. 19. When any work-house is so appropriated 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. Of work houses for like uses.
R. S. c. 141,
§ 19.

SEC. 20. The overseers and master of such town house of correction shall have such compensation for their services as is annually voted by their towns. Compensation of overseers and master.
R. S. c. 141,
§ 20.

SEC. 21. 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. Duties of the overseers.
R. S. c. 141,
§ 21.

SEC. 22. Every person committed to such town house of correction shall be supplied by the keeper with a suitable quantity of bread and water, or other nourishment, as the overseers order; and all expenses incurred for commitment and maintenance, exceeding the earnings of the person confined, shall be paid by the parties liable for similar charges in the case of persons committed to a county house of correction. Support of the prisoners.
R. S. c. 141,
§ 22.

SEC. 23. The overseers of any such town house of correction may commit thereto, for a term not exceeding forty eight hours, any person publicly appearing intoxicated, or in any manner violating the public peace, when the safety of the person intoxicated, or the good order of the community requires it, till such person can be conveniently carried before a magistrate and restrained by complaint and warrant in the usual course of criminal prosecutions. Powers of overseers to commit persons.
R. S. c. 141,
§ 23.

SEC. 24. The form of the order for commitment may be in substance as follows: Form of order for commitment.
R. S. c. 141,
§ 24.

To A. B., master of the house of correction in the town of ——— :
You are hereby required to receive and keep C. D. in said house of correction for the term of ——— hours, unless sooner discharged by our order.

E. F., } Overseers of said house
G. H., } of correction.

And any sheriff, deputy sheriff, constable, or other person, to whom such order is given by said overseers, shall forthwith apprehend and convey such person to said house of correction, and deliver him to

CHAP. 142. the master thereof, to be taken and kept agreeably to the order; and shall be entitled to receive from the town such fees for service and travel as are allowed for service of warrants.

CHAPTER 142.

THE STATE REFORM SCHOOL.

- SEC. 1. Appointment, term of office, powers and duties of the trustees of the reform school,
2. Who may be sentenced thereto,
 3. Same subject, expenses of commitment and subsistence, how paid,
 4. Residence, if known, to be set out in mittimus, in certain cases. Effect.
 5. Superintendent may recover of towns in certain cases. Notice how given.
 6. How they shall be instructed and disciplined.
 7. Proceedings when trustees or superintendent do not receive him or he is incorrigible.
 8. Costs of transportation paid by the county.
 9. Form of commitment and effect of discharge.
 10. Trustees may bind out boys.
 11. In what branches they shall be instructed.
 12. Powers and duties of superintendent.
 13. All contracts to be made by superintendent and approved by trustees. Suits thereon.
 14. Visits and examinations by the trustees, and their annual reports.
 15. Governor to draw warrants for appropriations. State treasurer to pay forty two dollars annually for library.

Government of the state reform school. Duties of trustees. May contract with the secretary of the Interior. 1865, c. 322. 1866, c. 33.

SEC. 1. The government of the state reform school, established for the instruction, employment, and reform of juvenile offenders, in the town of Cape Elizabeth, in the county of Cumberland, is vested in a board of five trustees appointed by the governor, with the advice of the council, and commissioned to hold their offices during the pleasure of the governor and council, but not more than four years under one appointment. They are allowed ten cents a mile for actual travel each way and two dollars a day for their services, when employed. They have charge of the general interests of the institution, shall 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; appoint a superintendent, subject to the approval of, 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 the officers thereof; exercise a vigilant