

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.

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

supervision over its concerns, remove its subordinate officers at pleasure, and appoint others in their stead; determine their compensation, 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 Secretary of the Interior for the confinement and support in the reform school of juvenile offenders against the laws of the United States, in accordance with the provisions in the act of congress approved March third, eighteen hundred and sixty-five.

SEC. 2. When any boy between the ages of eight and sixteen years is convicted before any court or trial justice, of an offence punishable by imprisonment in the state prison, not for life, or in the county jail except for the offences specified in the next section, such court or justice may sentence him to the state reform school, or to the other punishment provided by law for the same offence. If to the reform school it shall be conditioned that if such boy is not received or kept there for the full term of his sentence, unless sooner discharged by the trustees as provided in section seven of this chapter, he shall then suffer such alternative punishment as the court or justice orders; but no boy shall be committed to the reform school who is deaf and dumb, non compos, or insane.

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Boys between the ages of eight and sixteen years may be sentenced to reform school, and to alternative punishment if not received or kept there. Deaf and dumb, non compos, or insane boys not to be committed to reform school. 1861, c. 57, § 2. 47 Me. 481.

SEC. 3. When any boy between the ages of eight and sixteen years, is convicted of larceny of property not exceeding one dollar in value, of assault and battery, malicious mischief, malicious trespass, Sabbath breaking, riotous conduct, disturbing the peace, embezzlement, cheating by false pretences, vagrancy, truancy; or of being a common runaway, drunkard, pilferer or night walker; or of a violation of any municipal or police regulations of a city or town, punishable in the jail or house of correction; the court or justice may sentence him to the reform school, or to the other punishment provided for the same offence, in the manner prescribed in section two; and the expenses of conveying such boy, convicted of any offence set forth in this section, to the reform school, and his subsistence and clothing during his imprisonment there, not exceeding one dollar per week, shall be defrayed by the town where such boy resides at the time of his commitment, if within the state, but if he resides beyond its limits, then such expense shall be paid by the state.

Boys convicted of certain offences may be sent to reform school or suffer other punishment. Expenses of commitment and subsistence, how paid. 1861, c. 57, § 3. 1862, c. 145.

SEC. 4. The court or justice before whom any boy is convicted of an offence specified in the preceding section, shall certify in the mittimus the city or town in which such boy resides at the time of his commitment, if known, and such certificate shall be sufficient evidence in the first instance, to charge such city or town with his expense at the reform school, not exceeding one dollar per week. The superintendent, upon the commitment of such boy shall notify in writing the aldermen of any city, or the selectmen of any town so

Court or justice, on conviction of offence set out in section three, shall give residence if known, in mittimus. Superintendent to notify town liable. Notice how given.

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1858, c. 37, § 4.
1859, c. 116, § 3.
50 Me. 584.

Superintendent may recover of such town for the use of the state, &c. Such town or city may recover, &c.
1858, c. 37, § 5.
1859, c. 116, § 4.

SEC. 5. At any time after three months from the giving of such notice, the superintendent may, in his own name, for the use of the state, sue for and recover of such city or town the expenses of clothing and subsistence of such boy, not exceeding one dollar per week, to the time of his commencing a suit therefor; and such city or town may recover the money paid by them, of the parent, master or guardian of such boy, or of the city or town in which he has a legal settlement.

How instructed and disciplined.
R. S. c. 142, § 3.

SEC. 6. Any boy, so convicted and sent 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 sentence expires, or he is discharged as reformed, bound out by said trustees according to their by-laws, or remanded to prison under the sentence of the court as incorrigible, upon information of the trustees, as hereinafter provided.

Proceedings when trustees or superintendent do not receive him, or he is incorrigible.
R. S. c. 142, § 4.

SEC. 7. When any boy is sentenced 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 convict shall be delivered to any proper officer, who shall forthwith commit said boy to the jail, house of correction, or state prison; according to his alternative 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 sentenced to said school, and his certificate thereof shall be as effectual as their own.

Transportation paid by court, unless &c.
R. S. c. 142, § 5.

SEC. 8. The costs of transporting a convict to or from the reform school when not otherwise provided for, shall be paid out of the treasury of the county where he is convicted, as the costs of conveying prisoners to the several county jails are by law paid; and the county commissioners of the county shall examine and allow all such costs that appear to them to be reasonable.

Form of commitment and effect of discharge.
R. S. c. 142, § 6.
1861, c. 57, § 1.

SEC. 9. All commitments of boys to this institution shall be during their minority, and not less than one year, unless sooner discharged by order of the trustees as before provided; and when any boy is discharged therefrom at the expiration of his term, or as reformed, it shall be a full and complete release from all penalties and disabilities created by his sentence.

Trustees may bind out boys.
R. S. c. 142, § 7.

SEC. 10. The trustees may bind out all boys committed to their charge, for a term of time within the period of their sentence, as

apprentices to any inhabitants of this state; and the trustees, master or mistress, and apprentice, shall respectively have all the rights and privileges, and be subject to all the duties, provided by law for apprenticing by overseers of the poor. They may so bind out, to any suitable inhabitant of the state, such boys, upon request of the overseers of the poor of the town liable to contribute to their support, by the provisions of this chapter.

SEC. 11. The trustees shall cause the boys under their charge to be instructed in the branches of useful knowledge adapted to their age and capacity, in some regular course of labor, mechanical, manufacturing, agricultural, or horticultural, or a combination of these, according to their age, strength, disposition, and capacity; and in such other arts and trades as seem to them best adapted to 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, that they may secure to the boys the benefit of good example, wholesome instruction, and other means of improvement in virtue and knowledge, and the opportunity of becoming intelligent, moral, and useful citizens of the state.

SEC. 12. 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; discipline, govern, instruct, employ, and use his best endeavors to reform the inmates, so as to preserve their health, and secure, as far as possible, moral and industrious habits, and regular improvement in their studies, trades, and various employments. He shall have the charge of the lands, buildings, furniture, tools, implements, stock and provisions, 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 satisfactory to the governor and council, in a sum not less than two thousand dollars, conditioned faithfully to account for all moneys received by him and 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 history, and add such facts as come to his knowledge relating to his

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1860, c. 182.
1866, c. 57.In what
branches to be
instructed.
R. S. c. 142, § 8.Powers and
duties of
superintendent.
R. S. c. 142, § 9.
1859, c. 116, § 6.

CHAP. 142. subsequent history, while at the institution, and after he left it. All actions for injuries done to the real and personal property of the state, connected with the reform school, may be prosecuted in the name of the person who is superintendent at the time of the commencement thereof.

Contracts to be made by superintendent and approved by trustees.
Suits thereon.
R. S. c. 142, § 10.
1859, c. 116, § 6.

SEC. 13. 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, it shall be 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 shall abate by a vacancy in the office of superintendent during its pendency; but his successor may take upon himself its prosecution or defence, and, on motion of the adverse party and notice, he shall be required to do so.

Examinations and annual reports of trustees.
R. S. c. 142, § 11.
1859, c. 70.

SEC. 14. One or more of the trustees shall visit the school at least once in every four weeks, examine the inmates, in the school room and work shop, and register; 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 made showing the results thereof. Annually, on the first day of December, an abstract of these 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 offence for which each pupil was sentenced and his place of residence. A financial statement, furnishing an accurate detailed account of the receipts and expenditures for the year terminating on the last day of March preceding, shall be also furnished.

Appropriations, how paid; state treasurer to pay \$42 annually for library.
R. S. c. 142, § 12.

SEC. 15. The governor and council may draw warrants on the treasurer of state in favor of the trustees, from time to time, as they think proper, for the money appropriated by the legislature, for the state reform school; and the treasurer of state shall, annually in the month of 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.