

# MAINE STATE LEGISLATURE

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STATE OF MAINE.

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REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1908.

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WATERVILLE  
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1909

evidence in the first instance to charge such town for the expenses of his support in such hospital, if he shall be there detained after sentence on which he was originally committed would have expired, but when his friends or others file a bond with the treasurer of the hospital, in which he is confined such town 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 manner provided by statute for recommitment of patients to the insane hospitals.

Any town thus made chargeable in the first instance and paying for the support of such insane person may recover the amount paid from the insane, if able, or other persons legally liable for his support or from the town where his legal settlement is, but if he has no legal settlement in the state such expense shall be refunded by the state, and the governor and council shall audit all such claims and draw their warrant on the treasurer therefor. Such person shall not suffer the disabilities of pauperism or be deemed a pauper by reason of such support, but the time during which such person is so supported shall not be included in the period of residence necessary to change his settlement."

In conclusion, in the case by you presented under the laws above quoted it is my opinion that the board in question should be charged to the town where the insane person has his legal residence in the state of Maine rather than to the state itself.

#### STATE SCHOOL FOR BOYS—PAYMENT OF EXPENSE OF COMMITMENT AND OF SUBSISTENCE.

*E. P. Wentworth, Esq., Supt. School for Boys, Portland, Maine.*

DEAR SIR:—Relative to your inquiry in the case of W. S. T., reported by you as committed to the State School for Boys, after conviction under the charge in substance of intoxication in a dwelling house of another and disturbing the family of the latter, and asking if, under R. S., Chapter 143, Section 3, as amended by the Public Laws, of 1907, Chapter 120, the expenses of conveying said W. S. T. to the State School for Boys, and his subsistence and clothing during the time while he remains there, not exceeding \$1 per week, shall be paid by the state, I beg leave to reply as follows:

Revised Statutes, Chapter 143, Section 3, as amended by Public Laws of 1907, Chapter 120, reads as follows:

"When a boy is or has been committed to the state school for boys, under the provisions of the preceding section, for larceny of property not exceeding one dollar in value; or for assault and battery, malicious mischief, malicious trespass, desecration of the Lord's day, riotous conduct, disturbance of the peace, embezzlement, cheating by false pretenses, vagrancy or truancy; or for being a common runaway, drunkard, or pilferer; or for any offense punishable in any house of correction, the expenses of conveying such boy to said school, and his subsistence and clothing during the time he remains there, not exceeding one dollar a week, shall be paid by the state. The sum of four thousand dollars for the year nineteen hundred and seven and four thousand dollars for the year nineteen hundred and eight is hereby appropriated from the state treasury to defray the expenses of the conveyance, subsistence, and clothing of boys under this section, to be paid to said school upon itemized bills therefor when approved by the governor and council."

It will be noted that the state bears the expenses specified in this section not exceeding one dollar a week when the boy has been committed, etc., for any of the various offenses enumerated. Among the offenses enumerated at the end appears the following "or for any offense punishable in any house of correction."

The offense described in the mittimus as reported by you is as follows:

"That said W. S. T. on the thirtieth day of May, A. D. 1907. at said Newcastle was then and there intoxicated in a certain building, to wit: in the dwelling house of W. T. there situated, and then and there being intoxicated as aforesaid, disturbed the family of said W. T. against the peace of said state, and contrary to the form of the statute in such case made and provided."

The question, therefore, arises as to whether or not the offense charged in this mittimus is an "offense punishable in any house of correction." Turning now to R. S., Chapter 29, Section 57, we find it reads as follows:

"Any person found intoxicated in any street, highway or other public place, shall be punished for the first offense by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days, and upon any subsequent conviction by imprison-

ment not exceeding ninety days. Any person found intoxicated in his own house, or in any other building, or place, who is disturbing the public peace, or the peace of his own or any other family, shall be punished for the first and any subsequent conviction, as provided in the preceding clause of this section. Any such intoxicated person shall be taken into custody by any sheriff, deputy sheriff, constable, marshal, deputy marshal, police officer, or watchman, and committed to the watch-house, or police station or restrained in some other suitable place, until a complaint can be made and a warrant issued against him, upon which he may be arrested and tried."

Apparently complaint was made against said W. S. T. under this statute just quoted. It will be observed that the punishment for the offense charged is as follows: "for the first offense by a fine not exceeding ten dollars or by imprisonment not exceeding thirty days, and upon any subsequent conviction by imprisonment not exceeding ninety days." It would appear, therefore, that the offense charged is one punishable in a house of correction and it is my opinion, therefore, that the state should contribute in the matter of expenses specified not exceeding the limitation of one dollar a week, all as provided in R. S., Chapter 143, Section 3, and amended by the Laws of 1907, Chapter 120.

#### INDUSTRIAL SCHOOL FOR GIRLS.—PLACING INMATE IN CARE OF OTHER PERSONS.

*Prof. Alfred Williams Anthony, Trustee Maine Industrial School for Girls, Lewiston, Maine:*

DEAR SIR:—Relative to your inquiry in behalf of the board of trustees of the Maine Industrial School for Girls, as to placing one of the girls of the Industrial School in care of a person outside, I have the honor to advise you that I have examined the general form of papers used in committing girls to the school, and law relative to the subject matter in question.

R. S., Chapter 143, Section 23, reads as follows:

"The board of trustees of said school 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