

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE.

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1908.

WATERVILLE
SENTINEL PUBLISHING COMPANY
1909

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

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. Said trustees, master or mistress and apprentice, shall have all the rights and be subject to all the duties and penalties provided in case of children apprenticed by overseers of the poor. Any member of said board may execute such indenture deed in behalf of the board if authorized by a vote of 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 principal 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."

Under this section it would seem practically the power and duty of your board to inquire into the circumstances and conditions and surroundings of the persons who desire to take the girl in question, and if it thinks well of the matter, all things considered, your board may, at its discretion, entrust any such girl during her commitment to the care of any suitable person and she may be required to work for such person, or she may be

bound by deed of indenture to service or apprenticeship for a term not exceeding the length of her commitment as your board may deem reasonable and proper, etc., all in accordance with the provisions of the statute quoted, all the terms of which must be fully complied with.

If the person so taking the girl desires to adopt her legally and this meets with the approval of your board, proceedings for adoption may be instituted by the person desiring to adopt, before the Probate Court as provided by R. S., Chapter 69, Sections 32-39.

It would seem to us that the girl may be placed in the charge of the person (if the board thinks suitable etc.,) desiring to adopt as provided by statute and that all these adoption proceedings may be had thereafter. If however, your board should think it for the best interests of the girl that she should not leave the school unless these adoption proceedings were certain to be carried through, some arrangement can doubtless be made to ensure this.

STATE STIPEND PAID TO AGRICULTURAL SOCIETIES.

A. W. Gilman, Esq., Commissioner of Agriculture, Augusta, Maine.

DEAR SIR:—Your statement of fact is as follows:

The members of the local grange at Rockland have held an annual cattle show and fair for the past four years, paying out a large amount in cash premiums on fruit, vegetables, cattle, drawing-horses, butter, etc. That grange now presents to you a request for a portion of the appropriation provided for in Revised Statutes, Chapter 60, Section 14, commonly known as the stipend paid to agricultural societies. Your inquiry is whether payment should be made in accordance with this request.

An examination of the records of incorporated societies in the office of the secretary of state discloses the fact that the local grange at Rockland was organized as a corporation, February 3, 1904, under the name of "Pleasant Valley Grange, No. 274, Patrons of Husbandry." The records further disclose the purposes of the corporation to be, "To advance the principles of