

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 908

H. P. 652

House of Representatives, January 31, 1963

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mrs. Hendricks of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Neglect of Children.

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. R. S., c. 25, § 249, amended. The first sentence of section 249 of chapter 25 of the Revised Statutes, as amended by section 3 of chapter 307 of the public laws of 1959, is further amended to read as follows :

'When complaint in writing signed by an agent of the department, sheriff, police officer or by 3 or more citizens of any town or city is made under oath to the probate court of the county or the ~~municipal district~~ court having jurisdiction in said city or town, alleging that such child in such city or town is cruelly treated or willfully or grossly neglected by its parents or parent or other person having custody or control of such child or by the ~~willful~~ failure of such parents or parent or other person having custody or control of such child is not provided with suitable food, clothing or privileges of education, or is kept at or allowed to frequent any disorderly house, house of ill fame, gambling place or place where intoxicating liquors are sold, or other places injurious to the health or morals, or that such child is an orphan, or is a child whose mother is an inmate of a state institution, without means of support or kindred of sufficient ability who will furnish such support, and praying that suitable and proper provision be made for the care, custody, support and education of the child named in such complaint, the court, in term time or vacation, may fix a time for hearing upon said complaint to be held in term time or vacation, and may issue a warrant causing the parents or parent or other persons having custody or control of such child and the child, if necessary, to be brought before said court forthwith in term time or vacation, or may order notice to be given to said parents or parent or said other persons in such manner or in such length of time as the court deems proper.'

Sec. 2. R. S., c. 25, § 249, amended. The 2nd sentence of section 249 of chapter 25 of the Revised Statutes is amended to read as follows:

'The court shall order notice in writing to be given by mail or otherwise to the department ~~to the municipal board of the town~~ and to the county attorney of the county where the child is residing at least 10 days before the date set for hearing ~~provided, however, that the~~. The department ~~and the municipal board~~ and the county attorney may waive such notice.'

Sec. 3. R. S., c. 25, § 249, amended. Section 249 of chapter 25 of the Revised Statutes, as amended, is further amended by adding after the 2nd sentence, a new sentence to read as follows:

'If the parent or parents or other persons complained against cannot with diligence be located and if the court orders notice by publication or by any other method which involves extraordinary expense, such expense may be paid by the department if in the opinion of the commissioner and his duly authorized agent the department has a direct interest in the case.'

Sec. 4. Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare the sum of \$2,500 for the fiscal year ending June 30, 1964 and the sum of \$2,500 for the fiscal year ending June 30, 1965 to carry out the purposes of this act.