

MAINE STATE LEGISLATURE

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SIXTIETH LEGISLATURE.

HOUSE.

No 133.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-ONE.

AN ACT concerning the care of abused and neglected
children.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows :*

SECTION 1. When complaint in writing, signed
2 by two or more citizens of any town or city, alleg-
3 ing that any child within such town or city is wil-
4 fully neglected or cruelly treated by its parents, or
5 by the wilful fault of such parents is not provided
6 with suitable food, clothing, or privileges of educa-
7 tion, or is kept at any house of ill-fame, or that
8 such child is an orphan without means of support,
9 or kindred of sufficient ability who will furnish
10 such support, shall be made to the municipal offi-
11 cers of such town or city, such municipal officers

12 shall give notice of a time and place of hearing
13 upon such petition by serving such notice, with a
14 copy of such petition, upon such parents at least
15 two days before such hearing, or by publishing a
16 copy of such petition and notice of hearing in
17 some newspaper in the county where such child
18 resides, at least seven days before such hearing.
19 Said municipal officers shall at the time and place
20 mentioned in said notice, give a hearing to the
21 parties and their witnesses, and if they find that
22 the allegations in the petition are true, and that it
23 is just and expedient to make further provision for
24 the care, education and support of such children,
25 they shall make a record thereof, signed by them,
26 or a majority of them, which shall be recorded by
27 the clerk of said city or town, in a book kept for
28 that purpose.

SECT. 2. Upon the making of such record, it
2 shall be the duty of such municipal officers, or of
3 some person appointed by them for that purpose,
4 to make a complaint under oath to any judge of
5 any court, or any trial justice, which shall contain
6 in substance the allegations set forth in said peti-
7 tion, and praying that such provision may be made
8 for the care, custody, support and education of the
9 child named in said complaint as justice shall re-

10 quire, and thereupon the magistrate before whom
11 such complaint is made, shall issue his warrant
12 and shall cause such child to be brought before
13 him, and if upon hearing it shall appear that the
14 allegations of the complaint are true, and that jus-
15 tice requires that such child shall be supported and
16 educated away from its parents, he shall order
17 such child to such place or institution as shall be
18 provided therefor by such town or city, or to such
19 charitable institution or private person as he shall
20 deem suitable for the purpose; *provided*, such in-
21 stitution or person shall consent to receive, sup-
22 port and educate such child; but such order shall
23 not extend beyond the time when such child shall
24 arrive at the age of twenty-one years if a male, or
25 at the age of eighteen years if a female.

SECT. 3. Whenever the magistrate shall deem it
2 suitable and conducive to the public welfare that
3 such child shall be placed under the control of any
4 private person, he shall first take a bond from such
5 person running to such town or city where the
6 child resides, in such sum and with such sureties
7 as he shall approve, conditioned that such person
8 will humanely treat and properly support, clothe
9 and educate the child, and in case of the non-per-
10 formance of said bond, a suit may be commenced

11 thereon, and the sum recovered upon such bond
12 shall be paid into the treasury of the town or city
13 to which the bond is given. Upon application to
14 any magistrate, he shall examine into the condition
15 and welfare of the children who have been pro-
16 vided for under this act, and may at any time make
17 such further order in relation to their care, custody,
18 support and education, as justice shall demand.

SECT. 4. Whenever the municipal officers of
2 any town or city have reason to believe that any
3 child will be removed beyond the limits of the
4 state before a hearing can be had as provided in
5 this act, at any time after the filing of the petition,
6 they shall have the power to take the child into
7 their custody, and keep the same until the hear-
8 ing before the magistrate as provided by this act.

SECT. 5. Whenever any child is in the custody of
2 any public or charitable institution the parents or
3 either of them may make application in writing to
4 any judge of the supreme judicial court to have
5 the custody of such child restored to them. Such
6 notice of the application and the time and place of
7 the hearing thereon as the court shall order shall
8 be given to such institution and the municipal offi-
9 cers of the town or city where the proceedings
10 provided for in this act commenced, and if it shall

11 appear upon such hearing that the applicant is of
12 sufficient ability and inclination to suitably provide
13 for the support and education of such child and
14 justice requires that the custody of such child shall
15 be restored to such applicant, the judge shall so
16 order and the custody and control of said child
17 shall thereupon be given such applicant until the
18 further order of the court.

SECT. 6. Any town or city incurring expenses
2 under this act by reason of the fault of parents
3 who are of sufficient ability to properly support
4 and educate their children but who wrongfully
5 neglect and refuse to do so, may recover of such
6 parents in an action of debt the amount so expended
7 for the support of said children.

SECT. 7. Any town or city may make proper
2 provisions for the support of children mentioned in
3 this act, and such support shall not make such
4 children or their parents paupers.

SECT. 8. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
March 2, 1881. }

Reported by Mr. STROUT, from Committee on the Judiciary,
and ordered printed under Joint Rule.

ORAMANDAL SMITH, *Clerk.*