

# MAINE STATE LEGISLATURE

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# Sixty-Ninth Legislature.

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HOUSE.

No. 315

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## STATE OF MAINE.

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

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AN ACT creating a Board of Public Charities.

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

Section 1. That the governor and his council be and are  
2 hereby constituted a board of public charities.

Sect. 2. Definitions.—The term state charitable institu-  
2 tions, when used in this chapter, shall include all institutions  
3 of a charitable, eleemosynary, correctional or reformatory  
4 character, supported in whole or in part by the state, whether  
5 managed or controlled by the state or by private corporations,  
6 societies or associations.

Sect. 3. They shall be known as commissioners of the  
2 state board of charities and hold office for two years or the  
3 term of the governor. No commissioner shall qualify or  
4 enter upon the duties of his office, or remain therein, while

5 he is a trustee, manager, director or other administrative  
6 officer of an institution subject to the visitation and inspec-  
7 tion of such board.

Sect. 4. Official seal, certificates and subpoenas.—The  
2 board shall cause a record to be kept of its proceedings by  
3 its secretary or other proper officer, and it shall have and  
4 use an official seal; and the records, its proceedings and  
5 copies of all papers and documents in its possession and  
6 custody may be authenticated in the usual form, under such  
7 seal and the signature of its president or secretary, and shall  
8 be received in evidence in the same manner and with like  
9 effect as deeds regularly acknowledged or proven; it may  
10 issue subpoenas, which, when authenticated by its president  
11 and secretary, shall be obeyed and enforced in the same man-  
12 ner as obedience is enforced to an order or mandate made  
13 by a court of record.

General powers and duties of board.—The state board of  
15 charities shall visit, inspect and maintain a general supervi-  
16 sion of all institutions, societies or associations which are of  
17 a charitable, eleemosynary, correctional or reformatory char-  
18 acter, whether state or municipal, incorporated or not  
19 incorporated, which are made subject to its supervision by  
20 law; and shall,

1. Aid in securing the just, humane and economic admin-  
22 istration of all institutions subject to its supervision.

2. Advise the officers of such institutions in the perform-  
24 ance of their official duties.

3. Aid in securing the erection of suitable buildings for  
26 the accommodation of the inmates of such institutions afore-  
27 said.

4. Approve or disapprove the organization and incorpo-  
29 ration of all institutions of a charitable, eleemosynary, cor-

30 rectional or reformatory character which are or shall be sub-  
31 ject to the supervision and inspection of the board.

5. Investigate the management of all institutions made  
33 subject to the supervision of the board, and the conduct and  
34 efficiency of the officers or persons charged with their man-  
35 agement, and the care and relief of the inmates of such  
36 institutions therein or in transit.

6. Aid in securing the best sanitary condition of the  
38 buildings and grounds of all such institutions, and advise  
39 measures for the protection and preservation of the health  
40 of the inmates.

7. Aid in securing the establishment and maintenance of  
42 such industrial, educational and moral training in institutions  
43 having the care of children as is best suited to the needs of  
44 the inmates.

8. Establish rules for the reception and retention of in-  
46 mates of all institutions.

9. Investigate the condition of the poor seeking public aid  
48 and advise measures for their relief.

10. Administer the laws providing for the care; support  
50 and removal of state and alien poor and the support of Indian  
51 poor persons.

11. Collect statistical information in respect to the prop-  
53 erty, receipts and expenditures of all institutions, societies  
54 and associations subject to its supervision, and the number  
55 and condition of the inmates thereof, and of the poor receiv-  
56 ing public relief.

12. The governor and council or a majority of them shall  
58 have the right and authority to discontinue all, or to reduce  
59 any appropriation made by the state to aid an charitable  
60 institution whenever in their judgment it is deemed neces-  
61 sary to protect the interest of the state.

13. That on and after the passage of this act all appropria-  
63 tions made to any and all charitable institutions shall be

64 under the control of the governor and council and shall be  
65 paid out only as herein provided.

Sect. 5. Visitation, inspection and supervision of institu-  
2 tions.—All institutions of a charitable, eleemosynary, reform-  
3 atory or correctional character or design, including reforma-  
4 tories, asylums and institutions for idiots and epileptics, alms-  
5 houses, orphan asylums, and all asylums, hospitals and  
6 institutions, whether state, county, municipal, incorporated  
7 or not incorporated, private or otherwise, except institutions  
8 for the custody, care and treatment of the insane, are subject  
9 to the visitation, inspection and supervision of the state board  
10 of charities, its members, officers and inspectors. Such  
11 institutions may be visited and inspected by such board, or  
12 any member, officer or inspector duly appointed by it for  
13 that purpose, at any and all times.

Such board or any member thereof may take proofs and  
15 hear testimony relating to any matter before it, or before  
16 such member, upon any such visit or inspection.

Any member or officer of such board, or inspector duly  
18 appointed by it, shall have full access to the grounds, build-  
19 ings, books and papers relating to any such institution, and  
20 may require from the officers and persons in charge thereof,  
21 any information he may deem necessary in the discharge of  
22 his duties. The board may prepare regulations according  
23 to which, and provide blanks and forms upon which, such  
24 information shall be furnished, in a clear, uniform and  
25 prompt manner, for the use of the board. No such officer  
26 or inspector shall divulge or communicate to any person  
27 without the knowledge and consent of said board any facts  
28 or information obtained pursuant to the provisions of this  
29 act; on proof of such divulgement or communication such  
30 officer or inspector may at once be removed from office. The  
31 annual reports of each year shall give the results of such

32 inquiries, with the opinion and conclusions of the board  
33 relating to the same. Any officer, superintendent or employe  
34 of any such institution, society or association who shall  
35 unlawfully refuse to admit any member, officer or inspector  
36 of the board, for the purpose of visitation and inspection, or  
37 who shall refuse or neglect to furnish the information  
38 required by the board or any of its members, officers or  
39 inspectors, shall be guilty of a misdemeanor, and subject to  
40 a fine of one hundred dollars for each such refusal or neglect.  
41 The right and powers hereby conferred may be enforced by  
42 an order of the supreme court after notice and hearing, or by  
43 indictment by the grand jury of the county or both.

Sect. 6. Powers and duties of board on visits and inspec-  
2 tions.—On such visits, inquiry shall be made to ascertain:

1. Whether all parts of the state are equally benefited by  
4 the institutions requiring state aid.

2. The merits of any and all requests on the part of any  
6 such institution for state aid, for any purpose, other than the  
7 usual expenses thereof; and the amount required to accom-  
8 plish the object desired.

3. The sources of public moneys received for the benefit of  
10 such institution, as to the proper and economical expenditure  
11 of such moneys and the condition of the finances generally.

4. Whether the objects of the institution are being accom-  
13 plished.

5. Whether the laws and the rules and regulations of this  
15 board, in relation to it, are fully complied with.

6. Its methods of industrial, educational and moral train-  
17 ing, if any, and whether the same are best adapted to the  
18 needs of its inmates.

7. The methods of government and discipline of its  
20 inmates.

8. The qualifications and general conduct of its officers  
22 and employes.

9. The condition of its grounds, buildings and other prop-  
24 erty.

10. Any other matter connected with or pertaining to its  
26 usefulness and good management.

Sect. 7. Investigations of institutions.—The board may  
2 direct an investigation, by a committee of one or more of  
3 its members, of the affairs and management of any institu-  
4 tion, society or association, subject to its supervision, or of  
5 the conduct of its officers and employees. The commissioner  
6 or commissioners designated to make such investigation are  
7 hereby empowered to issue compulsory process for the attend-  
8 ance of witnesses and the production of papers, to administer  
9 oaths, and to examine persons under oath, and to exercise  
10 the same powers in respect to such proceeding as belong to  
11 referees appointed by the supreme court.

Sect. 8. Orders of board directed to institutions.—If it  
2 shall appear, after such investigation, that inmates of the  
3 institution are cruelly, negligently or improperly treated, or  
4 inadequate provision is made for their sustenance, clothing,  
5 care, supervision, or other condition necessary to their com-  
6 fort and well being, said board may issue an order, in the  
7 name of the people, and under its official seal, directed  
8 to the proper officers or managers of such institution,  
9 requiring them to modify such treatment or apply such  
10 remedy, or both, as shall therein be specified; before such  
11 order is issued, it must be approved by a justice of the  
12 supreme court, after such notice as he may prescribe and  
13 an opportunity to be heard, and any person to whom such  
14 an order is directed who shall willfully refuse to obey the  
15 same, shall, upon conviction, be adjudged guilty of a mis-  
16 demeanor. •

Sect. 9. Correction of evils in administration of institu-  
2 tions.—The state board of charities shall call the attention

3 of the trustees, directors or managers of any such institution,  
4 society or association, subject to its supervision, to any  
5 abuses, defects or evils which may be found therein, and such  
6 officers shall take proper action thereon, with a view to cor-  
7 recting the same, in accordance with the advice of such board.

Sect. 10. Duties of the attorney-general and district attor-  
2 neys.—If, in the opinion of the board or any three members  
3 thereof, any matter in regard to the management or affairs  
4 of any such institution, society or association, or any inmate  
5 or person in any way connected therewith, require legal  
6 investigation or action of any kind, notice thereof may be  
7 given by the board, or any three members thereof, to the  
8 attorney-general, and he shall thereupon make inquiry and  
9 take such proceedings in the premises as he may deem neces-  
10 sary and proper. It shall be the duty of the attorney-general  
11 and of every district attorney when so required to furnish  
12 such legal assistance, counsel or advice as the board may  
13 require in the discharge of its duties.

Sect. 11. State, non-resident and alien poor.—A poor  
2 person shall not be admitted as an inmate into a state insti-  
3 tution for the feeble-minded, or epileptics, unless a resident  
4 of the state for one year next preceding the application for  
5 his admission.

The state board of charities, and any of its members or  
7 officers, may, at any time, visit and inspect any institution  
8 subject to its supervision to ascertain if any inmates sup-  
9 ported therein at a state, county or municipal expense are  
10 state charges, non-residents, or alien poor; and it may cause  
11 to be removed to the state or county from which he came  
12 any such non-resident or alien poor found in any such insti-  
13 tution.

Sect. 12. Reports of state board of charities.—The state  
2 board of charities shall annually report to the legislature



3 its acts, proceedings and conclusions for the preceding year,  
4 with results and recommendations, which report shall include  
5 the information obtained in its inquiries and investigations,  
6 and from the reports made to it as in this chapter provided,  
7 giving a complete and itemized statement of expenditures for  
8 state poor, and of such other matters relating to the institu-  
9 tions subject to its visitations, as it may deem necessary or  
10 proper. The board shall collect, and so far as it shall deem  
11 advantageous, embody in its annual reports, such informa-  
12 tion as it may deem proper relating to all institutions, subject  
13 to the visitation of the board and respecting the best manner  
14 of dealing with those who require assistance from the public  
15 funds, or who receive aid from private charity, and represent  
16 its views as to the best methods of caring for the poor and  
17 destitute children who may be distributed through the vari-  
18 ous institutions of the state, or who may be without instruc-  
19 tion or guidance, and furnish in tabulated statements, as  
20 nearly as possible, the number, sex, age and nativity of per-  
21 sons in this state, and in the several counties thereof, who  
22 are in any way receiving the aid of public, private or organ-  
23 ized charity, with any other particulars it may deem proper.  
24 And all officers of such institutions shall furnish such statis-  
25 tics on or before the first day of November, in each and  
26 every year for the preceding fiscal year, as may be required  
27 by said board; and every person refusing to do so, in vio-  
28 lation of this section without reasonable excuse, shall be  
29 subject to a penalty of one hundred dollars, to be sued for  
30 in the name of the people by the attorney-general of the  
31 state, upon his receiving written notice from the state  
32 board of charities of such refusal. The annual reports of  
33 the board may, in its discretion, present the designs and  
34 plans and the general estimates for buildings and improve-  
35 ments, which it may deem necessary for any state charitable

36 institution, with the opinion of the board respecting any  
37 appropriation required as asked in behalf of such institution,  
38 other than for maintenance or ordinary purposes. The board  
39 may, in its discretion, and shall, when required by the Gov-  
40 ernor, or either house of the legislature, make other and  
41 special reports.

Sect. 13. Fiscal year.—The fiscal year of all state chari-  
2 table institutions shall commence with the first day of Octo-  
3 ber in each year, and close with the thirtieth day of Septem-  
4 ber, next succeeding; and the annual reports of such institu-  
5 tions required by this chapter, shall be made for the fiscal year  
6 as herein named.

Sect. 14. Monthly estimates of expenses; contingent fund.  
2 —The superintendent or other managing officer of each of  
3 the state charitable institutions shall, on or before the fifteenth  
4 day of each month, cause to be prepared duplicate estimates  
5 in minute detail, of the expenses required for the institution  
6 of which he has the supervision, for the ensuing month. He  
7 shall countersign and submit one of such duplicates to the  
8 comptroller, and retain the other to be placed on file in the  
9 office of the institution. The comptroller may cause such  
10 estimates to be revised either as to quantity and quality of  
11 supplies and the estimated cost thereof. Upon the revision  
12 and approval of such estimate, the comptroller shall authorize  
13 the boards of managers or other managing officers of such  
14 institutions to make drafts on him, as the money may be  
15 required for the purposes mentioned in such estimates,  
16 which drafts shall be paid on his warrant, out of the funds  
17 in the treasury of the state appropriation for the support  
18 of such charitable institutions. In every such estimate  
19 there shall be a sum named, not to exceed two hundred  
20 and fifty dollars, as a contingent fund, for which no minute  
21 detailed statement need be made. No expenditure shall be

22 made from such contingent fund, except in case of actual  
 23 emergency, requiring immediate action, and which cannot be  
 24 deferred without loss or danger to the institution, or the  
 25 inmates thereof. The treasurer of a state charitable institu-  
 26 tion shall not pay accounts for goods furnished, salaries of  
 27 officers, or wages of employes, unless they are contained in  
 28 the estimate provided in this section, and duly approved by  
 29 the comptroller.

Sect. 15. Monthly statements of receipts and expendi-  
 2 tures.—The treasurer of each state charitable institution shall  
 3 on or before the fifteenth day of each month, make to the  
 4 comptroller, a full and perfect statement of all the receipts  
 5 and expenditures, specifying the several items, for the last  
 6 preceding calendar month. Such statement shall be verified  
 7 by the affidavit of the treasurer attached thereto, in the fol-  
 8 lowing form:

I, ....., treasurer of the .....,  
 10 do solemnly swear that I have deposited in the bank desig-  
 11 nated by law for such purpose all the moneys received by  
 12 me on account of such.....during the last  
 13 month; and I do further swear that the foregoing is a true  
 14 abstract of all the moneys received, and the expenditures  
 15 made by me or under my direction as such treasurer during  
 16 the month ending on the.....day of....., 18...

Sect. 16. Affidavit of steward; vouchers.—There shall be  
 2 attached to such treasurer's statement, the affidavit of the  
 3 steward or other officer having like powers, to the effect that  
 4 the goods and other articles therein specified were purchased  
 5 and received by him or under his directions at the institution,  
 6 that the goods were purchased at a fair cash market price  
 7 and paid for in cash, and that he or any person in his behalf  
 8 had no pecuniary or other interest in the articles purchased;  
 9 that he received no pecuniary or other benefit therefrom in

10 the way of commission, percentage, deductions or presents,  
11 or in any other manner whatever, directly or indirectly; that  
12 the articles contained in such bill were received at the institu-  
13 tion; that they conformed in all respects to the invoiced goods  
14 received and ordered by him, both in quality and quantity.

Such statement shall be accompanied by the voucher show-  
16 ing the payment of the several items contained in the state-  
17 ment, the amount of such payment and for what the payment  
18 was made.

Such vouchers shall be examined by the comptroller and  
20 compared with the estimates made for the month for which  
21 the statement is rendered.

If any voucher is found objectionable the comptroller shall  
23 indorse his disapproval thereon, with the reason therefor,  
24 and return it to the treasurer, who shall present it to the  
25 board of managers for correction and immediately return it  
26 to the comptroller. All such vouchers shall be filed in the  
27 office of the comptroller.

Sect. 17. Purchases.—All purchases for the use of the  
2 state charitable institutions shall be made for cash and not on  
3 credit or time; every voucher shall be duly filled up at the  
4 time it is taken, and with every abstract of vouchers paid,  
5 there shall be proof on oath that the voucher was filled up  
6 and the money paid at the time it was taken. The board  
7 of managers shall make all needful rules and regulations to  
8 enforce the provisions of this section. No member or offi-  
9 cer of the State board of charities, or manager or officer of  
10 a State charitable institution shall be interested, directly or  
11 indirectly, in the furnishing of materials, labor or supplies  
12 for the use of any State charitable institution nor shall any  
13 manager act as attorney or counsel for the board of managers  
14 thereof.

Sect. 18. All acts or parts of acts, which are inconsistent  
2 with the provisions of this act are hereby repealed.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 9, 1899.

Ordered printed and distributed, on motion of Mr. MACFARLANE of  
Greenville.

W. S. COTTON, *Clerk.*