

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 126

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT amendatory of and additional to chapter one hundred
and forty-two of the Revised Statutes, relating to the State
Reform School.

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

Section 1. Section one of chapter one hundred and forty-
2 two of the Revised Statutes is hereby amended so that said
3 section, as amended, shall read as follows:

‘Sect. 1. The government of the State Reform School,
5 established for the instruction, employment, and reform of
6 juvenile offenders, in the town of South Portland, in the
7 county of Cumberland, is vested in a board of five trustees
8 appointed by the governor, with the advice and consent of

9 council, and commissioned to hold their offices during the
10 pleasure of the governor and council, but not longer than
11 four years under one appointment. They shall be allowed
12 two dollars a day for their services when employed, and the
13 same sum for every twenty miles travel. They shall have
14 charge of the general interests of the institution, and see that
15 its affairs are conducted as required by the legislature, and
16 such by-laws as the board may adopt; see that proper dis-
17 cipline is maintained therein; provide employment for the
18 inmates, and bind them out, discharge or remand them, as
19 hereinafter provided; appoint a superintendent, subject to
20 the approval, and during the pleasure of the governor and
21 council, and appoint such other officers as in their judgment
22 the wants of the institution require; prescribe the duties of
23 all its officers; exercise a vigilant supervision over its con-
24 cerns, remove its subordinate officers at pleasure, and appoint
25 others in their stead; determine the compensation of the sub-
26 ordinate officers, subject to the approval of the governor and
27 council, and prepare and submit by-laws to the governor and
28 council, which shall be valid when sanctioned by them. They
29 may contract with the attorney general of the United States
30 for the confinement and support in the Reform School of
31 juvenile offenders against the laws of the United States in
32 accordance with sections five thousand five hundred and
33 forty-nine, and five thousand five hundred and fifty of the
34 Revised Statutes of the United States.'

Sect. 2. Section two of said chapter one hundred and forty-
2 two of the Revised Statutes is hereby amended so that said
3 section, as amended, shall read as follows:

'Sect. 2. When a boy between the ages of eight and sixteen
5 years is convicted before any court or trial justice having
6 jurisdiction of the offense, of an offense punishable by impris-
7 onment in the State prison, not for life, or in the county jail,

8 or in any house of correction, such court or justice may order
9 his commitment to the State Reform School or sentence him
10 to the punishment provided by law for the same offense. If
11 to the reform school, the commitment shall be conditioned
12 that if such boy is not received or kept there for the full term
13 of his minority, unless sooner discharged by the trustees as
14 provided in section seven, or released on probation as pro-
15 vided in section ten, he shall then suffer the punishment pro-
16 vided by law, as aforesaid, as ordered by the court of justice;
17 but no boy shall be committed to the reform school who is
18 deaf and dumb, non compos, or insane.'

Sect. 3. Section three of said chapter one hundred and
2 forty-two is hereby amended so that said section, as amended,
3 shall read as follows:

'Sect. 3. When a boy is committed to the State reform
5 school, under the provisions of the preceding section, for lar-
6 ceny of property not exceeding one dollar in value; or for
7 assault and battery, malicious mischief, malicious trespass,
8 desecration of the Lord's Day, riotous conduct, disturbance
9 of the peace, embezzlement, cheating by false pretenses,
10 vagrancy, or truancy; or for being a common runaway,
11 drunkard, or pilferer; or for any offense punishable in any
12 house of correction, the expenses of conveying such boy to
13 the reform school, and his subsistence and clothing during
14 the time he remains there, not exceeding one dollar a week,
15 shall be defrayed by the town where such boy resides at the
16 time of his commitment, if within the State; otherwise such
17 expense shall be paid by the State.'

Sect. 4. Section four of said chapter one hundred and
2 forty-two is hereby amended so that said section, as amended,
3 shall read as follows:

'Sect. 4. When any boy is ordered to be committed to the
5 State reform school the court or trial justice by whom such
6 commitment is ordered shall certify in the mittimus the city

7 or town in which such boy resides at the time of his commit-
8 ment, the age of the boy, and the day on which his term of
9 minority will expire. The finding of the court or justice
10 regarding the age and residence of the boy shall be deemed
11 a decision of a question of fact, and his certificate thereof
12 shall be conclusive evidence of the age and residence of the
13 boy and of the day on which his term of minority will expire.
14 If the said boy is convicted of an offense specified in the pre-
15 ceding section the certificate of the court or trial justice shall
16 be sufficient evidence in the first instance, to charge such city
17 or town in which such boy resides with his expense at the
18 reform school, not exceeding one dollar a week. The super-
19 intendent, upon the commitment of such boy shall notify in
20 writing by mail or otherwise, the aldermen of any city, or
21 the selectmen of any town so liable, of the name of the boy
22 committed, the offense with which he is charged, and the
23 duration of his term of commitment. Such written notice
24 shall be sufficient when made, superscribed and directed to
25 said aldermen or selectmen, and deposited, postage prepaid,
26 in the post office.'

Sect. 5. Section six of said chapter one hundred and forty-
2 two is hereby amended by striking out after the word "boy"
3 in the first line the words "so convicted and sent to" and
4 inserting in place thereof the words 'committed to,' and by
5 striking out the word "sentence" in the third line of said sec-
6 tion and inserting in place thereof the word 'commitment,'
7 so that said section, as amended, shall read as follows:

'Sect. 6. Every boy committed to said school, shall there
9 be kept, disciplined, instructed, employed, and governed,
10 under the direction of the board of trustees, until the term
11 of his commitment expires, or he is discharged as reformed,
12 bound out by said trustees according to their by-laws, or
13 remanded to prison under the sentence of the court as incor-

14 rigible, upon information of the trustees, as hereinafter pro-
15 vided.'

Sect. 6. Section seven of said chapter one hundred and
2 forty-two is hereby amended by striking out after the word
3 "is" in the first line of said section the word "sentenced" and
4 inserting in place thereof the words 'ordered to be committed,'
5 and by striking out the word "convict" in the fifth line of
6 said section and inserting in place thereof the word 'boy,'
7 and by striking out the word "alternative" in the seventh line
8 of said section, and by striking out the word "sentenced" in
9 the ninth line of said section and inserting in place thereof
10 the words 'ordered to be committed,' so that said section, as
11 amended, shall read as follows:

'Sect. 7. When a boy is ordered to be committed to said
13 school and the trustees deem it inexpedient to receive him,
14 or he is found incorrigible, or his continuance in the school
15 is deemed injurious to its management and discipline, they
16 shall certify the same upon the mittimus by which he is held,
17 and the mittimus and boy shall be delivered to any proper
18 officer, who shall forthwith commit said boy to the jail, house
19 of correction, or State prison, according to his sentence. The
20 trustees may discharge any boy as reformed; and may author-
21 ize the superintendent, under such rules as they prescribe, to
22 refuse to receive boys ordered to be committed to said school,
23 and his certificate thereof shall be as effectual as their own.'

Sect. 7. Section nine of said chapter one hundred and
2 forty-two is hereby amended, so that said section, as amended,
3 shall read as follows:

'Sect. 9. All commitments of boys shall be during their
5 minority unless sooner discharged by order of the trustees,
6 as before provided; and when a boy is discharged from the
7 school at the expiration of his term, whether he be then in
8 the institution or lawfully out on probation, or when dis-
9 charged as reformed, an appropriate record of such discharge

10 shall be made by the superintendent upon the register of the
11 school required to be kept by provisions of section 13 of this
12 chapter. Such discharge shall be a full and complete release
13 from all penalties and disabilities created by his sentence
14 and commitment, and the record of the proceedings under
15 which such boy was so committed shall not be deemed to be,
16 nor shall it be subsequently used as, a criminal record against
17 him. Each boy discharged from the institution shall receive
18 an appropriate written discharge, signed by the superin-
19 tendent. Such discharge, or a copy, duly certified by the
20 superintendent, of the record of discharge upon the register
21 of the school, shall be receivable in evidence and conclusive
22 of the facts therein stated.'

Sect. 8. Section ten of said chapter one hundred and forty-
2 two is hereby amended so that said section, as amended, shall
3 read as follows:

'Sect. 10. The trustees may commit, on probation and on
5 such terms as they deem expedient, to any suitable inhabitant
6 of the State, any boy in their charge, for a term within the
7 period of his commitment, such probation to be conditioned
8 on his good behavior and obedience to the laws of the State.
9 Such boy shall, during the term for which he was originally
10 committed to the reform school, be also subject to the care
11 and control of the trustees, and on their being satisfied at any
12 time, that the welfare of the boy will be promoted by his
13 return to the school, they may order his return. On his
14 return to the school, such boy shall there be held and detained
15 under the original mittimus. The trustees may delegate to
16 the superintendent under such rules as they prescribe the
17 powers herein granted to the trustees to commit any boy on
18 probation to any suitable inhabitant of the State, and to return
19 to the reform school any boy so committed when he is satis-
20 fied that the welfare of the boy will be promoted by his return.
21 Any boy ordered returned to the reform school may, on the

22 order of the superintendent or other officer of the institution,
23 be arrested and returned to the reform school, or to any officer
24 or agent thereof, by any sheriff, constable or police officer or
25 other person; and may also be arrested and returned by any
26 officer or agent of the school.'

Sect. 9. Section eleven of said chapter one hundred and
2 forty-two is hereby repealed.

Sect. 10. Section fifteen of said chapter one hundred and
2 forty-two is hereby amended by striking out in the eleventh
3 line of said section the word "sentenced" and inserting in
4 place thereof the word 'committed,' so that said section, as
5 amended, shall read as follows:

'Sect. 15. One or more of the trustees shall visit the school
7 at least once in every four weeks, examine the register and
8 the inmates in the school room and workshop, and regularly
9 keep a record of these visits in the books of the superin-
10 tendent. Once in every three months, the school, in all its
11 departments, shall be thoroughly examined by a majority of
12 the board of trustees, and a report shall be made, showing the
13 results thereof. Annually, on the first day of December, an
14 abstract of such quarterly reports shall be prepared and laid
15 before the governor and council for the information of the
16 legislature, with a full report of the superintendent, stating
17 particularly among other things, the offense for which each
18 pupil was committed and his place of residence. A financial
19 statement furnishing an accurate detailed account of the
20 receipts and expenditures for the year terminating on the last
21 day of November preceding, shall also be furnished.'

Sect. 11. Any boy deemed by the trustees to be reformed
2 who has no suitable home to which he can be sent and for
3 whom, in consequence of physical infirmity or other reason,
4 no suitable home can be found by the trustees, may be dis-
5 charged by said trustees and returned to the selectmen of the

6 town or the overseers of the poor of the city where such boy
7 resided at the time of his commitment.

Sect. 12. Any person who shall aid or abet any boy com-
2 mitted to the State reform school in escaping therefrom, or
3 who shall knowingly harbor or conceal any boy who has
4 escaped from said school, shall be fined not less than fifty or
5 more than one hundred dollars, or punished by imprisonment
6 in the county jail not more than sixty days. Any fugitive
7 from the State reform school may, on the order of the super-
8 intendent or other officer of the institution, be arrested and
9 returned to the school, or to any officer or agent thereof, by
10 any sheriff, constable, or police officer, or other person; and
11 may also be arrested and returned by any officer or agent of
12 the school.

Sect. 13. All acts and parts of acts, inconsistent with this
2 act, are hereby repealed.

Sect. 14. This act shall take effect May 1, 1903.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 13, 1903.

Reported by Mr. OAKES of Auburn, from Committee on Legal Affairs,
and ordered printed under joint rules.

W. S. COTTON, *Clerk*