

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 8

STATE OF MAINE.

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

AN ACT for the protection of Children.

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

Section 1. Upon application by the mayor and aldermen
2 of any city, the selectmen of any town, or the president and a
3 majority of the directors of any society for the protection of
4 children, or prevention of cruelty to the same, the governor
5 and council shall issue a badge and a commission to any
6 suitable person designated in said application, authorizing
7 such person to arrest persons charged with violating any of
8 the provisions of this act or any other act or law concerning
9 the protection of children or prevention of cruelty to the
10 same, in the same manner and with the same powers and
11 jurisdiction in the premises as any sheriff, deputy sheriff,
12 police officer or constable, and to perform such other duties
13 as may be provided for by this act.

Sect. 2. Any officer or agent commissioned under the provisions of the preceding section and all sheriffs, deputy sheriffs, police officers and constables shall investigate all cases of cruel or injurious treatment of children coming to their knowledge, and shall cause offenders against any provisions of this act or any other act concerning the protection of children or prevention of cruelty to the same to be prosecuted. For their travel and services and expenses in conducting such investigations such officers and agents commissioned as aforesaid shall be paid reasonable compensation by the county in which such services are rendered and the same fees as are now allowed officers by law for the service of a warrant for arrest or any criminal process; provided, however, that all claims of such agents for such travel and services, expenses and fees shall first be audited and approved by the county commissioners of the county liable to pay the same. All fines imposed for the punishment of such offences shall be paid over to the county treasurer of the county in which the offence may have been committed.

Sect. 3. Any officer or agent of any society for the protection of children or prevention of cruelty to the same may arrest and bring before any court or magistrate having jurisdiction, any person offending against any of the provisions of this act or any other act or law concerning the protection of children or the prevention of cruelty to the same. Such officer or agent, or any sheriff, deputy sheriff, police officer or constable may lawfully interfere to prevent the perpetration in his presence of any such offence or act prohibited by this chapter or any other law concerning the protection of children or the prevention of cruelty to the same and whoever interferes with or obstructs such officer or agent or any sheriff, deputy sheriff, police officer or constable in the discharge of his duty, is guilty of a misdemeanor, and shall be

15 punished by fine not exceeding five hundred dollars or by
16 imprisonment not exceeding six months.

Sect. 4. Sections forty-five and forty-six of chapter sixty-
2 one of the Revised Statutes of nineteen hundred and three
3 are hereby amended so that said sections as amended shall
4 read as follows:

‘Sect. 45. When complaint in writing, signed by any such
6 officer or agent of any society for the protection of children
7 or the prevention of cruelty to the same, or by three or more
8 citizens of any town or city, is made under oath to any trial
9 justice or judge of a municipal, police, probate or superior
10 court, alleging that any child in said town or city is cruelly
11 treated or wilfully neglected by its parents, or parent, or by
12 the wilful failure of such parents or parent is not provided
13 with suitable food, clothing or the privileges of education, or
14 is kept at or allowed to frequent any disorderly house, house
15 of ill fame, gambling place or place where intoxicating
16 liquors are sold, or other place injurious to health or morals,
17 or that such child is an orphan without means of support or
18 kindred of sufficient ability who will furnish such support,
19 and praying that suitable and proper provision may be made
20 for the care, custody, support and education of the child
21 named in such complaint; the magistrate or judge to whom
22 such complaint is made shall issue his warrant and cause
23 such child and its parents or parent if any to be brought
24 before him, and if upon hearing it appears that the allega-
25 tions of said complaint are true, and that it is suitable and
26 proper that such child shall be supported and educated away
27 from its parents or parent, he shall order it into the care and
28 custody of such place or institution as is provided therefor
29 by such town or city, or to such charitable institution or
30 private person as he deems suitable, provided that such insti-
31 tution or person consents to receive, support and educate
32 said child; but such order shall not extend beyond the time

33 when such child arrives at the age of twenty-one years, if a
34 male, or at the age of eighteen years if a female; and until
35 such institution or person can be found, the magistrate or
36 judge may in his discretion, if the circumstances appear to
37 require it, order said child temporarily into the custody of
38 any such officer or agent, or of any such institution or suit-
39 able person consenting to receive said child, and the expense
40 of the support of said child during such period until per-
41 manent provision can be made therefor, in the manner above
42 specified, shall be paid by the town in which said child resides
43 and said town may recover the amount thereof from the
44 parents or parent of said child, if any, as provided in section
45 fifty of this chapter.'

'Sect. 46. Upon petition of the superintendent of any such
47 public or charitable institutions asking for the care and
48 custody of any such child, an order to the same effect, as pro-
49 vided for in the preceding section, may be made by the judge
50 of the probate court in any county where either of the parents
51 or the parent of such child resides, if written consent be
52 given as provided in section thirty-two of chapter sixty-
53 seven. Such orders and decrees provided for in this and the
54 preceding section shall have the same effect to divest the
55 parents or parent of all legal rights in respect to such child
56 as specified in section thirty-four of said chapter sixty-seven,
57 and said institution shall have full custody and control over
58 said child thereafter for said time, and have authority alone
59 to give the consent required in said section thirty-two.'

Sect. 5. Section forty-eight of chapter sixty-one of the
2 Revised Statutes of nineteen hundred and three is hereby
3 repealed.

Sect. 6. Section seven of chapter sixty-three of the Revised
2 Statutes of nineteen hundred and three is hereby amended so
3 that the same shall read as follows:

‘Sect. 7. Whenever a man, having a wife, a minor child, 5 or children, residing in this State, and being of sufficient 6 ability, or being able to labor and provide for them, wilfully 7 and without reasonable cause, refuses or neglects to provide 8 suitable maintenance for them, the supreme judicial court, 9 the superior courts, the probate courts and any municipal 10 court, in term time or vacation, in the county where the wife 11 or such minor child or children reside, on petition of the wife 12 for herself and for such child or children, or of such child 13 or children by their guardian, after such notice to the 14 husband or father as it may order, and hearing, may order 15 him to contribute to the support of his wife and such minor 16 child or children or either of them such sums payable weekly, 17 monthly or quarterly, as are deemed reasonable and just, 18 and may enforce obedience by appropriate decrees. Execu- 19 tion may also issue for said sums, when payable and for 20 costs.’

Sect. 7. Whoever admits or allows to remain in any dis- 2 orderly house, house of ill fame, gambling place or place 3 where intoxicating liquors are sold, or other place injurious 4 to health or morals, owned, kept, maintained, managed or 5 controlled by him in whole or in part, any child under the 6 age of sixteen years, shall be punished by a fine not exceed- 7 ing one hundred dollars or by imprisonment not exceeding 8 sixty days.

Sect. 8. Whoever by himself, his clerk, servant or agent, 2 directly or indirectly has in his possession with intent to sell, 3 offers for sale, sells or gives away to any child under the age 4 of sixteen years, or to any such child for any other person, 5 any intoxicating liquors, and whoever by himself, his clerk, 6 servant or agent, directly or indirectly employs or permits any 7 such child to aid or assist him in the illegal keeping or the 8 illegal sale of intoxicating liquors, shall be punished in addi- 9 tion to the penalties otherwise provided against the illegal

10 keeping for sale or illegal sale of intoxicating liquors, by fine
11 not less than one hundred dollars or by imprisonment not less
12 than sixty days.

Sect. 9. No person shall employ or cause to be employed,
2 exhibit, use or have in custody, or train for use, employment
3 or exhibition, any child under sixteen years of age, and no
4 parent, guardian or other person, having care, custody and
5 control of such child, shall procure or permit the training,
6 use, employment or exhibition of any such child,—in begging
7 or soliciting or receiving alms in any manner or under any
8 pretence, or in any illegal, indecent or immoral exhibition or
9 practice, or in any exhibition of any such child when insane
10 or idiotic, or when possessing any deformity and unnatural
11 physical formation, or unusual mental ability or faculty, or
12 in any practice, exhibition or place dangerous or injurious
13 to the life, limb, health or morals of such child. Whoever
14 offends against the provisions of this section shall be pun-
15 ished by a fine not exceeding one hundred dollars or by
16 imprisonment not exceeding sixty days.

Sect. 10. Any young girl being less than sixteen years of
2 age, found walking about the public streets or highways,
3 parks or squares of any town or city after the hour of ten
4 o'clock in the evening, unaccompanied by any parent, guard-
5 ian or suitable protector, and without any lawful business or
6 errand, may be taken into custody by any such officer or
7 agent of any society for the protection of children and pre-
8 vention of cruelty to the same, or any sheriff, deputy sheriff,
9 police officer or constable, and conducted to her home and
10 placed in the care and custody of her parents or lawful
11 guardian, if any, and shall be warned by said officer not to
12 repeat such offence. Upon a repetition of such offence by
13 any such young girl and conviction thereof, she shall be pun-
14 ished by fine not exceeding twenty dollars.

Sect. 11. All fines or penalties provided for by the terms
2 of this act may be recovered or enforced by complaint or
3 indictment, and in all prosecutions under this chapter and the
4 amendments and additions thereto, trial justices and judges
5 of municipal and police courts within their counties shall have
6 by complaint, original and concurrent jurisdiction with the
7 superior and supreme judicial courts.

Sect. 12. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, January 25, 1905.

Tabled pending reference to a Committee by Mr. BAXTER of Portland, and ordered printed.

E. M. THOMPSON, *Clerk.*