

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 511

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## STATE OF MAINE.

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

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AN ACT for the better protection of Children.

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*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 pro-  
2 visions of the preceding section and all sheriffs, deputy  
3 sheriffs, police officers and constables shall investigate all  
4 cases of cruel or injurious treatment of children coming to  
5 their knowledge, and shall cause offenders against any pro-  
6 visions of this act or any other act concerning the protection  
7 of children or prevention of cruelty to the same to be prose-  
8 cuted. For their travel and services and expenses in con-  
9 ducting such investigations such officers and agents commis-  
10 sioned as aforesaid shall be paid reasonable compensation by  
11 the county in which such services are rendered and the same  
12 fees as are now allowed officers by law for the services of a  
13 warrant for arrest or any criminal process; provided, how-  
14 ever, that all claims of such agents for such travel and ser-  
15 vices, expenses and fees shall first be audited and approved  
16 by the county commissioners of the county liable to pay the  
17 same. All fines imposed for the punishment of such offences  
18 shall be paid over to the county treasurer of the county in  
19 which the offence may have been committed.

Sect. 3. Any officer or agent of any society for the protec-  
2 tion of children or prevention of cruelty to the same may  
3 arrest and bring before any court or magistrate having juris-  
4 diction, any person offending against any of the provisions  
5 of this act or any other act or law concerning the protection  
6 of children or the prevention of cruelty to the same. Such  
7 officer or agent, or any sheriff, deputy sheriff, police officer  
8 or constable, may lawfully interfere to prevent the perpetra-  
9 tion in his presence of any such offence or act prohibited by  
10 this chapter or any other law concerning the protection of  
11 children or the prevention of cruelty to the same, and who-  
12 ever interferes with or obstructs such officer or agent or any

13 sheriff, deputy sheriff, police officer or constable in the dis-  
14 charge 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 the judge  
9 of any court held within and for the county in which said  
10 town or city is located, alleging that any child in said town or  
11 city is cruelly treated or wilfully neglected by its parents, or  
12 parent, or by the wilful failure of such parents or parent is  
13 not provided with suitable food, clothing or the privileges of  
14 education, or is kept at or allowed to frequent any disorderly  
15 house, house of ill fame, gambling place or place where intox-  
16 icating liquors are sold, or other place injurious to health or  
17 morals, or that such child is an orphan without means of sup-  
18 port or kindred of sufficient ability who will furnish such sup-  
19 port, and praying that suitable and proper provision may be  
20 made 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 in any practice, exhibition or place  
12 dangerous or injurious to the life, limb, health or morals of  
13 such child. Whoever offends against the provisions of this  
14 section shall be punished by a fine not exceeding one hun-  
15 dred dollars or by imprisonment not exceeding sixty days.

Sect. 10. 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. 11. This act shall take effect when approved.





STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
Augusta, March 10, 1905.

Reported by Mr. BAXTER from Committee on Legal Affairs and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*