

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

SENATE.

No. 131

STATE OF MAINE.

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

AN ACT to amend Chapter one hundred and twenty-three of the
Public Laws of nineteen hundred and five, entitled An Act for
the Protection of Children.

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

Section 1. Section one of Chapter one hundred and twenty-
2 three of the public laws of nineteen hundred and five is
3 hereby amended so that the same as amended shall read as
4 follows:

'Section 1. Upon application by the mayor and aldermen
6 of any city, the selectmen of any town, or the president and
7 a majority of the directors of any society for the protection
8 of children, or prevention of cruelty to the same, the gover-
9 nor and council shall issue a badge and a commission to any
10 suitable person designated in said application, appointing

11 such person an "Agent for the protection of children," to
12 serve within and for the county for which he or she shall be
13 appointed and within which he or she shall reside, authoriz-
14 ing such agent to arrest persons charged with violating any
15 of the provisions of this act or any other act or law concern-
16 ing the protection of children or prevention of cruelty to the
17 same, and to serve any process, civil or criminal provided
18 for by the terms of said acts or required for the enforcement
19 of the same, in the same manner and with the same powers
20 in the premises as any sheriff, deputy sheriff, police officer
21 or constable, and to perform such other duties as may be pro-
22 vided for by this act; provided that the powers and duties
23 of such agent shall be confined to the limits of the county
24 for which he or she is appointed."

Sect. 2. Section two of said chapter is hereby amended so
2 that the same as amended shall read as follows:

'Section 2. Any agent for the protection of children
4 appointed as aforesaid and all sheriffs, deputy sheriffs, police
5 officers and constables shall investigate all cases of cruel or
6 injurious treatment of children coming to their knowledge,
7 and shall cause offenders against any provisions of this act
8 or any other act concerning the protection of children or pre-
9 vention of cruelty to the same to be prosecuted. For their
10 services in conducting such investigations said agents and
11 officers shall be paid their actual expenses and compensation
12 at the rate of two dollars and fifty cents per diem for every
13 day and at the same ratio for every part of a day in which

14 they are actually engaged in making such investigation, by
15 the county in which such services are rendered and for the
16 service of any process civil or criminal which they may be
17 authorized to serve by the terms of this act, they shall be
18 allowed the same fees as are now allowed officers by law
19 for the service of any similar process; provided, however,
20 that all claims of such agents or officers for such travel and
21 services, expenses and fees shall first be audited and approved
22 by the county commissioners of the county liable to pay for
23 the same. All fines imposed for the punishment of such
24 offenses shall be paid over to the county treasurer of the
25 county in which the offence may have been committed.'

Sect. 3. Section three of said act is hereby amended by
2 striking out the first two lines of said section and inserting
3 in place thereof the words 'any agent so appointed as afore-
4 said may' and by striking out in the sixth and twelfth lines
5 of said section the words "officer or," so that said section as
6 amended shall read as follows:

'Section 3. Any agent so appointed as aforesaid may
8 arrest and bring before any court or magistrate having juris-
9 diction, any person offending against any of the provisions
10 of this act or any other act or law concerning the protection
11 of children or the prevention of cruelty to the same. Such
12 agent, or any sheriff, deputy sheriff, police officer or con-
13 stable, may lawfully interfere to prevent the perpetration in
14 his presence of any such offense or act prohibited by this
15 chapter or any other law concerning the protection of chil-

16 dren or the prevention of cruelty to the same, and whoever
17 interferes with or obstructs such agent or any sheriff, deputy
18 sheriff, police officer or constable in the discharge of his duty,
19 is guilty of a misdemeanor, and shall be punished by fine not
20 exceeding five hundred dollars or by imprisonment not ex-
21 ceeding six months.

Sect. 4. Section forty-five of Chapter sixty-one of the
2 Revised Statutes of nineteen hundred and three as amended
3 by Section four of said act of nineteen hundred and five, is
4 hereby further amended by adding at the end of the first line
5 of said Section forty-five the words 'agent so appointed or
6 any,' and said section is further amended by striking out in
7 the fifth line of the same the words "held within and for,"
8 and by inserting in place thereof the word 'in.' Said section
9 forty-five is hereby further amended by striking out after the
10 words "such child" in the eighteenth line of said section the
11 words "and its parents or parent, if any" and by inserting
12 after the words "before him" in the nineteenth line of said
13 section the words 'and notice to be given to its parents or
14 parent, if any, for such length of time as the judge may see
15 fit, either by service in hand or publication in such manner
16 as the court may direct, and the judge may, if he deems it
17 necessary in his discretion continue the case for hearing;' and
18 said section is hereby further amended by inserting after
19 the word "and" in the twenty-ninth line of said section, the
20 words 'pending any such continuance of the case before hear-
21 ing and after hearing;' and said section is hereby further

22 amended by striking out in the thirty-second line of said sec-
23 tion the words "officer or" and inserting after the word
24 "agent" the words 'so appointed;,' so that said section when
25 amended shall read as follows :

'Section 45. When complaint in writing, signed by any
27 such agent so appointed or any officer or agent of any society
28 for the protection of children or the prevention of cruelty to
29 the same, or by three or more citizens of any town or city,
30 is made under oath to the judge of any court in the county
31 in which said town or city is located, alleging that such child
32 in said town or city is cruelly treated or wilfully neglected
33 by its parents, or parent, or by the wilful failure of such
34 parents or parent is not provided with suitable food, clothing
35 or the privileges of education, or is kept at or allowed to fre-
36 quent any disorderly house, house of ill fame, gambling place
37 or place where intoxicating liquors are sold, or other place
38 injurious to health or morals, or that such child is an orphan
39 without means of support or kindred of sufficient ability who
40 will furnish such support, and praying that suitable and
41 proper provision may be made for the care, custody, support
42 and education of the child named in such complaint; the
43 magistrate or judge to whom such complaint is made shall
44 issue his warrant and cause such child to be brought before
45 him, and notice to be given to its parents or parent, if any
46 for such length of time as the judge may see fit either by ser-
47 vice in hand or publication in such manner as the judge may
48 direct, and the judge may if he deems it necessary in his dis-

49 cretion continue the case for hearing, and if upon hearing it
50 appears that the allegations of said complaint are true, and
51 that it is suitable and proper that such child shall be sup-
52 ported and educated away from its parents or parent, he shall
53 order it into the care and custody of such place or institution
54 as is provided therefor by such town or city, or to such char-
55 itable institution or private person as he deems suitable, pro-
56 vided that such institution or person consents to receive, sup-
57 port and educate said child; but such order shall not extend
58 beyond the time when such child arrives at the age of twenty-
59 one years, if a male or at the age of eighteen years if a
60 female, and pending any such continuance of the case before
61 hearing and after hearing and until such institution or per-
62 son can be found, the magistrate or judge may in his discre-
63 tion, if the circumstances appear to require it, order said child
64 temporarily into the custody of any such agent so appointed,
65 or of any such institution or suitable person consenting to
66 receive said child, and the expense of the support of said
67 child during such period until permanent provision can be
68 made therefor, in the manner above specified, shall be paid
69 by the town in which said child resides and said town may
70 recover the amount thereof from the parents or parent of
71 said child, if any, as provided in Section fifty of this chapter.'

Sect. 5. Section forty-six of Chapter sixty-one of the
2 Revised Statutes of nineteen hundred and three as amended
3 by Section four of said act of nineteen hundred and five is
4 hereby further amended by striking out the words "thirty-

5 two” and “sixty-seven,” in the seventh line of said section,
6 and inserting in place thereof respectively the words ‘thirty-
7 three’ and ‘sixty-nine’ and by striking out in the tenth line
8 of said section the words “thirty-four,” and inserting in place
9 thereof the words ‘thirty-five,’ and by striking out in the
10 eleventh line of said section the words “sixty-seven” and
11 inserting in place thereof the words ‘sixty-nine,’ and by strik-
12 ing out in the last line of said section the word “thirty-two,”
13 and inserting in place thereof the word ‘thirty-three,’ so that
14 said section as amended, shall read as follows :

‘Section 46. Upon petition of the superintendent of any
16 such public or charitable institutions asking for the care and
17 custody of any such child, an order to the same effect, as
18 provided for in the preceding section may be made by the
19 judge of the probate court in any county where either of the
20 parents or the parent of such child resides, if written consent
21 be given as provided in Section thirty-three of Chapter sixty-
22 nine. Such orders and decrees provided for in this and the
23 preceding section shall have the same effect to divest the
24 parents or parent of all legal rights in respect to such child
25 as specified in Section thirty-five of said Chapter sixty-nine,
26 and said institution shall have full custody and control over
27 said child thereafter for said time, and have authority alone
28 to give the consent required in said Section thirty-three.’

Sect. 6. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 21, 1907.

Reported by Mr. CLARKE from Committee on Legal Affairs, and laid
on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary.*