

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 120

STATE OF MAINE.

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

AN ACT to define contributory dependency and contributory delinquency and to make the same a misdemeanor and to provide for the punishment of persons guilty thereof.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Any person who shall by any act cause, en-
2 courage or contribute to the dependency or delinquency of
3 a child, as these terms with reference to children are de-
4 fined by the statutes of this State, or who shall for any cause
5 be responsible therefor, shall be guilty of a misdemeanor,
6 and upon trial and conviction thereof, shall be fined in a sum
7 not to exceed five hundred dollars or imprisonment in the
8 County Jail for a period not exceeding one year, or by both
9 such fine and imprisonment. When the charge against any

10 person under this act concerns the dependency of a child or
11 children, the offense for convenience may be termed con-
12 tributary dependency and when it concerns the delinquency
13 of a child or children for convenience it may be termed con-
14 tributary delinquency.

Sect. 2. The court may suspend any sentence, stay or
2 postpone the enforcement of execution, or release from cus-
3 tody any person found guilty in any case under this act upon
4 such conditions as shall be imposed by the court in accord-
5 ance with the provisions of this act.

Sect. 3. Such conditions may include the following: Any
2 person found guilty under this act of contributory de-
3 pendency may be required to furnish a good and sufficient
4 bond to the people of the State of Maine in such penal sum,
5 as the court shall determine, not exceeding one thousand
6 dollars, conditioned for the payment of such amount as the
7 court may order not exceeding twenty dollars per month for
8 the support, care and maintenance of the child to whose de-
9 pendency such person has contributed; such sum to be ex-
10 pended under the directions and orders of the court for the
11 purposes mentioned.

The court may permit any child to remain in the custody
13 of the person found guilty by this act of contributing to its
14 dependency, under such suspended sentence, upon such con-
15 ditions for the treatment and care of such child as may seem
16 to the court to be for its best welfare, or as may be calculated
17 to secure obedience to the law or to remove the cause of such

18 dependency or neglect, and while such conditions are ac-
19 cepted and complied with by any such person, such sentence
20 may remain suspended subject to be enforced upon the viola-
21 tion of any of the conditions imposed by the court; and such
22 bond may be forfeited upon a failure to comply with any
23 such conditions, as well as upon the failure to pay any
24 amount required for the maintenance of such child.

Sect. 4. As a part of the conditions of any such bond
2 mentioned in section three hereof it shall be understood that
3 it shall not be necessary to bring a separate suit to recover
4 the penalty of any such bond which has become forfeited,
5 but the court may cause a citation or summons to issue to the
6 surety or sureties thereon, requiring that he or they appear
7 at a time named by the court, which time shall be not less
8 than ten or more than twenty days from the issuance there-
9 of, and show cause, if any there be, why a judgment should
10 not be entered for the penalty of such bond and execution
11 issue for the amount thereof against the property of the
12 surety or sureties thereon, as in civil cases, and upon failure
13 to appear or failure to show any such sufficient cause, the
14 court shall enter such judgment in behalf of the people of
15 the State of Maine, against the principal and such surety or
16 sureties on such bond not to exceed the sum of one thou-
17 sand dollars (\$1,000.00) including the costs. Any moneys
18 collected or paid upon any such execution or in any case upon
19 such bond, shall be turned over to the clerk of the Juvenile
20 Court of the State or of the Supreme Judicial Court of the

21 county in which such bond is given, to be applied first to the
22 payment of all court costs and then to the care and main-
23 tenance of the child or children for whose dependency such
24 conviction was had, and in such manner and upon such
25 terms as the court may direct. If any such money so col-
26 lected be unnecessary for the purposes last mentioned, it
27 shall be turned over within one year to the treasurer of the
28 county from which said case originated.

Sect. 5. In the case of any person found guilty of con-
2 tributory dependency or contributory delinquency where the
3 court has suspended the execution of the sentence during the
4 good behavior and satisfactory conduct of the defendant
5 or upon any other terms and conditions which may have
6 been imposed by the court, it shall be made to appear to the
7 satisfaction of the court at any time during such suspended
8 sentence or stay of execution, that it ought to be enforced,
9 the court may thereupon enforce the same, and any jail
10 sentence thereunder shall commence from the date upon
11 which sentence is ordered to be enforced.

Sect. 6. No sentence shall be suspended or final judg-
2 ment or execution shall be stayed in the case of any person
3 found guilty under this act, to exceed a period of two years.
4 If at any time prior thereto it shall appear to the satisfaction
5 of the court that such person has complied faithfully with
6 the conditions of any suspended sentence, judgment or exe-
7 cution, or is for any cause in the opinion of the court, en-
8 titled to be released therefrom, the court may suspend such

9 sentence indefinitely, in which case such person shall be
10 finally released and discharged, as he shall be in any event at
11 the end of two years from imposition of any such sentence ;
12 Provided, that if any defendant be actually serving a jail
13 sentence imposed under this act and enforced before the
14 expiration of said two years in accordance with the pro-
15 visions of this act, then in such case the defendant shall not
16 be finally discharged until the expiration of any such sen-
17 tence.

Sect. 7. Probation officers having the powers of sheriffs
2 or police officers, as well as county prosecuting attorneys
3 shall have the rights and be vested with all power necessary
4 to file complaints against any person under this act and to
5 prosecute any such case. In all such cases it shall be the
6 duty of the county prosecuting officer representing the peo-
7 ple to prepare any such complaints and prosecute any such
8 cases for such probation officer when so requested by such
9 officer or the judge of the juvenile court ; but nothing herein
10 shall be construed to interfere with any county prosecutor
11 representing the people prosecuting such cases under this or
12 any other act as in other criminal cases.

Sect. 8. In order to find any person guilty of violating
2 this act it shall not be necessary to prove that the child has
3 actually become dependent or delinquent, provided it ap-
4 pears from the evidence that through any act of neglect or
5 omission of duty or by any improper act or conduct on the
6 part of any such person the dependency or delinquency of
7 any child may have been caused or merely encouraged.

This act shall always be liberally construed in favor of the
9 State for the purpose of the protection of the child from
10 neglect or omission of parental duty towards the child by
11 the parents, as well also to protect the children of the State
12 from the effects of the improper conduct, acts, or the bad
13 example of any person or persons whomsoever, which may
14 be calculated to cause, encourage or contribute to the de-
15 pendency or delinquency of children, although such persons
16 are in no way related to the child.

Nothing in this act shall be construed to be in conflict with
18 or repeal or prevent proceedings under any act or statute
19 of this State which may have otherwise defined any specific
20 act of any person as a crime of any character which act
21 might also constitute contributory delinquency or contribu-
22 tory dependency, or to prevent or interfere with proceedings
23 under any such acts, nor shall it be construed to be incon-
24 sistent with or to repeal any act providing for the support
25 by the parent or parents of their minor children, or any act
26 providing for the punishment of cruelty to children or the
27 taking of indecent liberties with or selling liquor, tobacco
28 or firearms to children, or permitting them in evil or dis-
29 reputable places, and nothing in any such acts or similar
30 acts shall be construed to be inconsistent with or to repeal
31 this act or prevent proceeding hereunder, but in all cases
32 where there shall be more than one prosecution for the same
33 offense under whatever acts of the character herein de-
34 scribed the fact may be given in evidence to the judge of the

35 court, and may be in the discretion of the court considered in
36 mitigation of any sentence in any such cases.

Invalidity of any portion of this act shall not effect the
38 validity of any other portion thereof which can be given
39 effect without such invalid part.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, Feb. 10, 1909.

Tabled pending reference to a committee by Mr. HALL of
Caribou and ordered printed.

E. M. THOMPSON, *Clerk.*