

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 121

STATE OF MAINE.

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

AN ACT concerning delinquent children.

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

Section 1. This act shall apply only to female children
2 under eighteen (18) years of age, and all male children un-
3 der seventeen years of age, not inmates of a State institution,
4 or any institution incorporated under the laws of the State
5 for the care and correction of delinquent children. The
6 words "delinquent child" shall include any female child
7 eighteen (18) years of age or under and any male child
8 seventeen (17) years of age or under such age who violates
9 any law of this State or any city or village ordinance; or
10 who is incorrigible; or who knowingly associates with
11 thieves, vicious or immoral persons; or who is growing up

12 in idleness or crime; or who knowingly visits or enters a
13 house of ill-repute; or who knowingly patronizes or visits
14 any policy shop or place where any gaming device is, or
15 shall be, operated; or who patronizes or visits any saloon or
16 dram shop where intoxicating liquors are sold; or who pat-
17 ronizes or visits any public pool room or bucket shop; or
18 who wanders about the streets in the night time without be-
19 ing on any lawful business or occupation; or who habitually
20 wanders about any railroad yards or tracks, or jumps or
21 hooks on to any moving train, or enters any car or engine
22 without lawful authority, or who habitually uses vile, ob-
23 scene, vulgar, profane or indecent language, or is guilty of
24 immoral conduct in any public place of about any school
25 house. Any child committing any of the acts herein men-
26 tioned shall be deemed a juvenile delinquent person, and
27 shall be proceeded against as such in the manner hereinafter
28 provided. A disposition of any child under this act, or any
29 evidence given in such cause, shall not in any civil, criminal
30 or other cause or proceeding whatever in any court be law-
31 ful or proper evidence against such child for any purpose
32 whatever, excepting in subsequent cases against the same
33 child under this act. The word "child" or "children" may
34 mean one or more children; or the word "parent" or "par-
35 ents" may mean one or both parents when consistent with
36 the intent of this act.

Sect. 2. The juvenile court of this State shall have juris-
2 diction in all cases coming within the terms and provisions

3 of this act. In trials under this act, the child informed
4 against, or any person interested in such child, shall have
5 the right to demand a trial by jury, which shall be granted
6 as in other cases unless waived, or the judge of his own
7 motion may call a jury to try any such case. In all the coun-
8 ties of the State a special record book or books shall be kept
9 by the court for all cases coming within the provisions of
10 this act, to be known as "The Juvenile Record," and the
11 docket or calendar of the court upon which there shall ap-
12 pear the case or cases under the provisions of this act shall
13 be known as "The Juvenile Docket." Between the first and
14 thirtieth days of October of each year the clerk of the Ju-
15 venile court shall submit to the State Board of Charities and
16 Corrections a report in writing, upon blanks to be furnished
17 by said board showing the number and disposition of delin-
18 quent children brought before such court, together with
19 such other useful information regarding such cases and the
20 parentage of such children as may be reasonably obtained
21 at the trials thereof; Provided, that the name or identity of
22 any such child or parent shall not be disclosed in such report
23 and that such report shall not be published at State expense.

All proceedings under this act shall be by information or
25 sworn complaint to be filed by the county attorneys or their
26 assistants as in other cases under the general laws of the
27 State; Provided, that probation officers provided for by the
28 laws of this State are hereby empowered to file sworn com-
29 plaints and conduct proceedings against any child under this

30 act. In any such information or complaint filed under this
31 act, the act or acts claimed to have been committed by the
32 child proceeded against shall in a general way be stated there-
33 in as constituting such child a juvenile delinquent child or
34 person.

Sect. 4. The judge of said court may appoint a special
2 prosecuting attorney in such district to file in the Juvenile
3 court any information, and to try any cause under this act
4 in order that all such cases shall be heard and disposed of
5 promptly and without delay. Such attorney, when so ap-
6 pointed, shall conduct cases coming within the provisions
7 of this act during such time as may be deemed necessary by
8 such judge, at a salary to be fixed by such Juvenile Court
9 judge, not to exceed one thousand dollars per annum, to be
10 paid in the same manner provided by law for the payment of
11 salaries of county attorneys.

Sect. 5. It shall be unlawful for any court, clerk or other
2 person to tax or collect, or for any county to pay, any fees
3 whatever now permitted by law to be taxed and collected
4 for the benefit of any court, officer or person, for the case of
5 any delinquent child coming within the provisions of this
6 act for violating any law of this State, or committing any of
7 the acts mentioned in section one hereof, unless such child
8 shall be proceeded against in the Juvenile court under the
9 provisions and in accordance with the purpose of this act,
10 except in capital cases or where the court shall direct a pros-
11 ecution under the criminal law, or where complaint has been

12 filed before a justice of the peace or police magistrate who
13 shall duly comply with the terms of section seven of this
14 act, or in cases in counties where the jurisdiction of said
15 Juvenile Court is concurrent with that of the Supreme Ju-
16 dicial Court.

Sect. 6. Upon the filing of any information under this
2 act, a warrant or capias may issue as in other cases, but no
3 incarceration of the child proceeded against thereunder shall
4 be made or had unless in the opinion of the judge of the
5 court, or in the absence of the judge from the county seat,
6 then in the opinion of the sheriff of the county, it shall be
7 necessary to insure its attendance in court at such times as
8 shall be required. In order to avoid such incarceration, if
9 practicable, it shall be the duty of the sheriffs of the county,
10 or his deputy or representative, to serve a notice of the pro-
11 ceedings upon at least one parent of the child, if living and
12 known, or its legal guardian, or if his or her whereabouts
13 or residence is not known, or if neither parent nor guardian
14 shall be in this State, then some relative living in the county,
15 if any there be whose whereabouts are known, and such
16 judge or sheriff may accept the verbal or written promise
17 of such person so notified, or of any other proper person to
18 be responsible for the presence of such child at the hearing
19 in such case, or at any other time to which the same may be
20 adjourned or continued by the court. In case such child
21 shall fail to appear at such time or times as the court may
22 require, the person or persons responsible for its appear-

23 ance as herein provided for, unless in the opinion of the
24 court there shall be reasonable cause for such failure of such
25 child to appear as herein provided for, may be proceeded
26 against as in cases of contempt of court and punished ac-
27 cordingly; and where any such child shall have failed to
28 appear as required by the court or its officers, any warrant,
29 capias or alias capias issued in such case may be executed
30 as in other cases; Provided, however, that no child within the
31 provisions of this act under fourteen (14) years of age shall
32 under any circumstances be incarcerated in any common jail
33 or lock-up, and any officer or person violating this provision
34 of this act shall be guilty of a misdemeanor, and on convic-
35 tion fined in a sum not to exceed one hundred dollars (\$100.-
36 00). In all counties of this State it shall be the duty of the
37 proper authorities to provide and maintain at public expense
38 a detention room or house of detention, separated or removed
39 from such jail or lock-up, to be in charge of a matron or
40 other person of good moral character, wherein all children
41 within the provisions of this act shall, when necessary, be
42 incarcerated. Any such child so informed against shall also
43 have the right now given by law to any person to give bond
44 or other security for its appearance at the trial of such case,
45 and the court may, in any such case, appoint counsel to ap-
46 pear and defend on behalf of any such child.

Sect. 7. When any child sixteen (16) years of age or
2 under is arrested with or without warrant, such child shall
3 instead of being taken before a justice of the peace or police

4 magistrate, be taken directly before the Juvenile court; or,
5 if the child is taken before a justice of the peace or police
6 magistrate, upon complaint sworn out in such court or for
7 any other reason, it shall be the duty of such justice of the
8 peace or police magistrate to transfer the case to such Ju-
9 venile court, and the officer having the child in charge to
10 take the child before that court, and in any such case the
11 court may proceed to hear and dispose of the case in the
12 same manner as if such child had been brought before the
13 court upon information originally filed as herein provided;
14 or, when necessary, in cases where the delinquency charged
15 would otherwise constitute a felony, may direct such child
16 to be kept in proper custody until an information or com-
17 plaint may be filed as in other cases under this act or the
18 laws of the State; Provided, that nothing herein shall be
19 construed to confer jurisdiction upon any justice of the
20 peace or police court to try any case against any child six-
21 teen (16) years of age or under, in the counties of Andros-
22 coggin, Cumberland, Knox, Lincoln, Sagadahoc, and York.

Sect. 8. In any case of a delinquent child coming under
2 the provisions of this act, the court may continue the hearing
3 from time to time, and may commit the child to the care of
4 a probation officer, and may allow said child to remain in its
5 own home, subject to the visitation of the probation officer;
6 such child to report to the court or probation officer as often
7 as may be required, and subject to be returned to the court
8 for further proceedings whenever such action may appear

9 necessary; or the court may cause the child to be placed in
10 a suitable family home, subject to the friendly supervision
11 of the probation officer and the further order of the court;
12 or it may authorize the child to be boarded out in some suit-
13 able family home, in case provision is made by voluntary
14 contribution or otherwise for the payment of the board of
15 such child, until suitable provision be made for the child in
16 a home without such payment, or the court may commit such
17 child, if a boy, to the State Industrial School for Boys, or,
18 if a girl, to the State Industrial School for Girls, or the
19 court may commit the child to any institution within the
20 county, incorporated under the laws of this State, that may
21 care for children, or which may be provided by State or
22 county, suitable for the care of such children, or to any
23 State institution which may now or hereafter be established
24 for the care of boys or girls. In no case shall a child pro-
25 ceeded against under the provisions of this act be committed
26 beyond the age of twenty-one. A child committed to any
27 such institution shall be subject to the control of the board
28 of managers and the said board shall have power to parole
29 such child on such conditions as it may prescribe; and the
30 court shall, on the recommendation of the board, have power
31 to discharge such child from custody whenever, in the judg-
32 ment of the court, his or her reformation is complete; or the
33 court may commit the child to the care and custody of some
34 association that will receive it, embracing in its objects the

35 care of neglected or delinquent children, and which has been
36 duly credited as herein provided.

Sect. 9. All institutions or associations receiving children
2 under this act shall be subject to the same visitation, inspec-
3 tion and supervision of the State Board of Charities and Cor-
4 rections, as are public charitable institutions of this State,
5 and it shall be the duty of the State Board of Charities and
6 Corrections to pass annually upon the fitness of any insti-
7 tution or association which may receive, or desire to receive,
8 any child or children under the provisions of this act; and
9 every such institution or association shall, at such times as
10 said Board of Charities and Corrections shall direct, make
11 report thereto, showing its condition, management and com-
12 petency to adequately care for such children as are, or may
13 be, committed to it, and such other facts as said board may
14 require, and upon said board being satisfied that any such
15 association or institution is competent and has adequate fa-
16 cilities to care for such children, it shall issue to the same a
17 certificate to that effect, which certificate shall continue in
18 force for one year unless sooner revoked by said board.
19 The court, or the judge thereof, may, at any time, require
20 from any such institution or association receiving or desiring
21 to receive children under the provisions of this act, such re-
22 ports, information and statements as the court or judge shall
23 deem proper and necessary for his action, and the court
24 shall in no case commit a child or children to any associa-
25 tion or institution whose standing, conduct or care of chil-

26 dren, or ability to care for the same, is not satisfactory to
27 the court.

Sect. 10. Nothing in this act shall be construed to repeal
2 any portion of the act or acts providing for an industrial
3 school for girls or boys, but nothing in said act shall be held
4 to prevent proceedings against any child within the ages
5 prescribed by said act, under this act as a juvenile disorderly
6 person or delinquent child. All other acts or parts of acts
7 inconsistent herewith are hereby repealed.

Sect. 11. This act shall be liberally construed, to the end
2 that its purpose may be carried out, to wit, that the care and
3 custody and discipline of the child shall approximate as
4 nearly as may be that which should be given by its parents,
5 and that as far as practicable any delinquent child shall be
6 treated, not as a criminal, but as misdirected and misguided,
7 and needing aid, encouragement, help and assistance.

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.*