

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 122

STATE OF MAINE.

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

AN ACT establishing a juvenile court within this State and to prescribe the jurisdiction, powers, rights, proceedings and practice of such court, and to define the rights, powers and duties of the judge and other officers engaged therewith, and to provide for the maintenance thereof.

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

Section 1. That there is hereby created and established in
2 the City of Portland, in the County of Cumberland, a court
3 of record, to be known as the Juvenile Court of Maine.

Sect. 2. Said court shall have original jurisdiction in all
2 criminal cases or other actions or proceedings in which the
3 disposition, custody or control of any child or minor, or any
4 other person, may be involved in an act concerning de-

5 linquent, dependent or neglected children, or any other act,
6 statute or law of this State, now or hereafter existing, con-
7 cerning delinquent, dependent or neglected children, or
8 which may in any manner concern or relate to the person,
9 liberty, protection, character, morality, control adoption or
10 disposition of any infant, child or minor, or the duties to,
11 or responsibility for such infant, child or minor, of any
12 parent, guardian or of any other person, corporation or in-
13 stitution whatsoever. The jurisdiction of said court to be
14 over the following counties, to wit: Androscoggin, Cum-
15 berland, Knox, Lincoln, Sagadahoc and York.

Sect. 3. Such court shall be a court of record, and all
2 process issued at or in such court shall be issued and served
3 in like manner as similar process is issued and served from
4 courts of record in this State, and shall be governed in all
5 proceedings, with reference to notice and pleadings, by the
6 law now or hereinafter to be enacted for courts of record
7 for this State; and in trials and proceedings the court is
8 hereby vested with all the powers as to prescribing rules,
9 times of pleading, regulating of the practice, process and
10 proceedings in all respects as now conferred by law upon
11 courts of record, with reference to like or similar matters in
12 such courts, unless otherwise provided in this Act. Change
13 of venue shall be allowed to and from such courts, in the
14 same manner as changes of venue are permitted to and from
15 other courts of record; Provided that such changes of venue
16 may also be had at any other court of record in the same

17 county where the subject of the cause of action would be
18 within the jurisdiction of any such court.

Such court or the judge thereof shall have full power
20 and authority to maintain order and decorum in his court
21 and to assess fines and punish for contempt as is now ex-
22 ercised by the Supreme Judicial Court. The Juvenile Court
23 shall have a seal bearing upon the face thereof the words
24 'The Juvenile Court of Maine, 1909.'

Sect. 4. The terms of such Juvenile Court shall be held
2 on the second Tuesday of every month in the year, except-
3 ing the months of June, July and August, commencing in
4 January of 1910.

Sect. 5. The Governor, by and with the advice of his
2 Council, shall appoint said judge in like manner and for the
3 same term as the supreme court judges are now appointed.
4 The said judge shall preside over the said Juvenile Court
5 and hold his office until his successor is duly appointed and
6 qualified. Vacancies in the office of judge of said Juvenile
7 Court shall be filled as in cases of vacancies in the office
8 of the judge of the Supreme Court of Maine. No person
9 shall be appointed judge of the Juvenile Court holding any
10 other public office.

Sect. 6. The judge of the said Juvenile Court hereby
2 created shall receive a salary of dollars per year,
3 to be paid by the State in the same manner as the salaries of
4 the judges of the Supreme Court are now paid. He shall
5 receive no other compensation whatever for his services as

6 such judge, save the salary herein provided, except that in
7 case of necessary travel and expenses, for the proper dis-
8 charge of his duties, his bill therefor not exceeding \$500
9 in any one year, duly authenticated by the commissioners
10 of the County of Cumberland, shall be paid from the State
11 Treasury. The said judge shall be an attorney-at-law duly
12 admitted to the Maine Bar and shall not act as attorney or
13 counsellor at law, nor be active in the pursuit of any other
14 business.

Sect. 7. If any person appointed judge of said Juvenile
2 Court shall fail to qualify within thirty days after his ap-
3 pointment, the office shall be deemed vacant and a successor
4 shall be appointed by the Governor and Council, as stated in
5 section five. A judge of the said Juvenile Court may be re-
6 moved from office for the same causes, and in the same man-
7 ner as a judge of the Supreme Judicial Court.

Before a judge shall enter upon the duties of his office, he
9 shall qualify by taking the judicial oath provided for Su-
10 preme Court judges of the State of Maine.

Sect. 8. There are hereby created and established the fol-
2 lowing offices and officers of such court: One clerk, two
3 deputy clerks, and such paid probation officers as the judge
4 of said court may appoint in individual cases without pay
5 and as now or hereafter shall be provided by law for the
6 several counties of Maine. One of the deputy clerks above
7 provided for, in addition to the qualifications required for
8 such clerk, shall be a stenographer possessing all the quali-

9 fications of an official stenographer, as required by law for
10 the Supreme Judicial Court, and such deputy clerk shall
11 be the official stenographer for such court when required.
12 The judge of such court may also select from the deputy
13 sheriffs of the County of Cumberland, in the State of Maine,
14 for services in said court when required. The clerk of such
15 court shall collect all fees payable in such court and receive
16 the same pay for his services as are now or may hereafter be
17 provided by law for clerks of the Supreme Judicial Court in
18 the counties of the first class, and shall pay his fees received
19 into the treasury of the county from which the case came
20 paying the fees, in the same manner and subject to the same
21 laws as clerks of the Supreme Judicial Court in any such
22 counties, except as otherwise provided in this Act.

The clerk of such court and the probation or other officers
24 thereof shall perform similar duties as are now performed
25 by the same or similar officers in the Supreme Judicial Courts
26 in the several counties, and be vested with the same rights,
27 powers, duties and liabilities as such officers or similar of-
28 ficers of the Supreme Judicial Court are now vested by
29 law, except as may be otherwise provided in this Act.

The official bond of the clerk of such court shall be in the
31 sum of five thousand dollars, executed by a surety com-
32 pany authorized by law to sign official bonds, and he shall
33 receive no other compensation whatsoever for his services
34 save the salary in this Act provided.

The judge of the court hereby created shall appoint the
36 officers of said court. The officers of such court hereby
37 created shall hold their office during the pleasure of the
38 judge of said court.

Sect. 9. The judge of such Juvenile Court shall fix the
2 salaries of the clerk and all deputy clerks and assistants,
3 and the clerk shall not receive to exceed two thousand dollars
4 per year. And no deputy clerk shall receive to exceed
5 twelve hundred dollars per year, when not acting as official
6 stenographer. If official stenographer of such court, he
7 shall receive a salary of not to exceed fifteen hundred dol-
8 lars per year, which shall be in full compensation of his
9 services as said deputy clerk. He may also receive the usual
10 fees allowed to official stenographers of the Supreme Judicial
11 Court for making transcripts of testimony and extending his
12 notes. But in no event shall the county or State be liable
13 therefor.

Sect. 10. It shall be the duty of the Board of Commission-
2 ers of Cumberland County, in which such court is hereby
3 created, to provide suitable books for records and supplies
4 and a suitable place away from the County Court House
5 in the county for the judge and the clerical officers and for
6 holding the terms of said court, and they shall also provide
7 such other necessary supplies for the conduct and mainten-
8 ance of such court as may be required. Whenever conven-
9 ient, the court may hold a session in either of the counties
10 in this Act mentioned.

Sect. 11. After the organization of the Court hereby established, the judges of the Municipal, Superior and Supreme Judicial Courts in any of the counties above named, shall transfer thereto all cases now pending therein which fall within the jurisdiction of the court hereby created. There shall be transferred from such courts to the court hereby established, juvenile court records. And as far as practicable all papers, books and records pertaining to Juvenile delinquents or dependents, or Juvenile offenders already disposed of, or practically disposed of, and all such papers, books and records shall continue to be of the same force and effect in the court hereby established as they had or could have been in such Municipal, Superior or Supreme Judicial courts; and all judgments, orders executions, directions or proceedings of the said courts in all such cases, or mittumuses or processes issued, or to be issued therein, may be continued, proceeded with, issued or enforced and executed with the same force and effect as in such municipal, superior or supreme judicial court.

Sect. 12. It shall be the duty of the sheriff of said County of Cumberland to attend in said court created by this Act, and all processes issued out of the court shall be directed to the sheriff of the county wherein the same is required to be executed, and any sheriff to whom such process shall be directed is hereby authorized and required to execute the same and in all other respects to execute any process of said court as similar processes are executed from Supreme Judicial,

9 Superior or Municipal Courts. And he shall be entitled to
10 the same fees as are allowed by law for serving such process
11 from the Supreme Judicial Court.

Sect. 13. In an action pending before the court created
2 and established by this Act in which a party thereto is en-
3 titled to a jury, such party may have a jury summoned to try
4 the same. Jurors in such court shall be summoned to try
5 cases therein in the same manner provided by law for the
6 summoning of jurors to try cases in the Supreme Judicial
7 Court.

Sect. 14. Appeals and writs of error in the case of final
2 judgment or decision by any Juvenile Court, shall be al-
3 lowed by and prosecuted in the Supreme Judicial Court in
4 like manner and with the same effect in all respects as is or
5 may be prescribed by law in cases of appeals, and writs of
6 error from the Supreme Judicial Court in like cases.

Sect. 15. The powers, practice and pleadings of the Su-
2 preme Court, and the judges thereof, in cases of writs of
3 error and in all other matters, shall be the same for the
4 court created by this Act.

Sect. 16. The county attorney of the several counties of
2 this State, may be prosecuting attorneys of said court in
3 cases from their respective counties.

Sect. 17. In case of the absence from the district named
2 in this Act, or in case of sickness or other temporary dis-
3 ability of the judge of such Juvenile Court preventing him

4 from the performance of his duties, he shall have the power
5 to call in any judge of any municipal, superior or supreme
6 court in the State to perform the duties of the judge of such
7 court during such absence, sickness or temporary disability,
8 and any such judge so called to preside over such court shall
9 have all the powers and perform all the duties required by
10 law of the judge of said court. Provided that the State
11 shall not be liable for the compensation of any such supply
12 judge.

Sect. 18. Municipal courts, superior courts, supreme ju-
2 dicial courts, and the judges thereof, in the counties above
3 mentioned, shall hereafter exercise no jurisdiction in which
4 the disposition, custody or control of any child or minor, or
5 any other person, may be involved under the Acts concerning
6 delinquent, dependent or neglected children, or any other act
7 or statute or law of this State concerning dependent, de-
8 linquent or neglected children, or which may in any man-
9 ner concern or relate to the person, liability, protection,
10 correction, morality, control, adoption or disposition of any
11 infant, child or minor, or the duties to or responsibility for
12 such infant, child or minor, or any parent, guardian or any
13 other person, corporation or institution whatsoever, but all
14 such jurisdiction, rights, powers and authority in such cases
15 or under such laws now exercised by such Supreme Judicial
16 Courts or the judges thereof, shall be exercised by the Ju-
17 venile Court hereby created, provided that nothing in this

18 Act or section shall be construed to interfere with the juris-
19 diction of any Supreme Judicial Court in this State in the
20 disposition or custody of any infant, child or minor in any
21 divorce case brought in such court, or with the property of
22 any infant, child or minor in any case or proceeding in any
23 probate or other court. This Act shall be liberally construed
24 so that the jurisdiction of the court as defined by section
25 two, shall be concurrent with the Supreme Judicial Court
26 in any criminal case against a minor, in any county of the
27 State, also in criminal case against an adult person for the
28 violation of any criminal law of this State where the offense
29 shall be against the person or involves the morals of a
30 child or minor.

Sect. 19. The books of records, supplies and suitable
2 place shall be provided for said court, as hereinbefore men-
3 tioned in this Act, on or before the second Tuesday of Jan-
4 uary, 1910. The Governor, by and with the consent of his
5 Council, shall appoint the judge of such court as soon as may
6 be after the first day of July, 1909.

Sect. 20. All acts or parts of acts inconsistent with this
2 Act are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 10, 1909.

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

E. M. THOMPSON, *Clerk.*