

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 445

STATE OF MAINE.

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

AN ACT to amend Chapter forty-three of the Public Laws of
nineteen hundred and seven, entitled "An Act for the protec-
tion of Children."

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

Section I. Section forty-five of chapter sixty-one of the
2 revised statutes of nineteen hundred and three as amended
3 by section four of Chapter one hundred and twenty-three of
4 the Public Laws of nineteen hundred and five, and further
5 amended by section four of chapter forty-three of the Pub-
6 lic Laws of nineteen hundred and seven, is hereby further
7 amended by adding at the end of said section forty-five the
8 following sentences:

“An appeal by the parents or parent, or the guardian or
10 lawful custodian of said child or children shall be allowed
11 as in other civil cases in the same court, and when the case
12 is in the probate court no appeal bond shall be required of
13 the appellants. In all cases where an appeal is taken the
14 order or decree which is appealed from shall be in force un-
15 til reversed,” so that said section when amended shall read
16 as follows :

‘Section 45. When complaint in writing, signed by any
18 such agent so appointed or any officer or agent of any so-
19 ciety for the protection of children or the prevention of
20 cruelty to the same, or by three or more citizens of any
21 town or city, is made under oath to the judge of any court
22 in the county in which said town or city is located, alleging
23 that such child in said town or city is cruelly treated or
24 wilfully neglected by its parents or parent, or by the wilful
25 failure of such parents or parent is not provided with suit-
26 able food, clothing or the privileges of education, or is kept
27 at or allowed to frequent any disorderly house, house of ill
28 fame, gambling place or place where intoxicating liquors
29 are sold, or other place injurious to health or morals, or that
30 such child is an orphan without means of support or kindred
31 of sufficient ability who will furnish such support, and pray-
32 ing that suitable and proper provision may be made for the
33 care, custody, support and education of the child named in
34 such complaint; the magistrate or judge to whom such com-
35 plaint is made shall issue his warrant and cause such child

36 to be brought before him, and notice to be given to its par-
37 ents or parent, if any for such length of time as the judge
38 may see fit either by service in hand or publication in such
39 manner as the judge may direct, and the judge may if he
40 deems it necessary in his discretion continue the case for
41 hearing, and if upon hearing it appears that the allegations
42 of said complaint are true, and that it is suitable and proper
43 that such child shall be supported and educated away from
44 its parents or parent, he shall order it into the care and cus-
45 tody of such place or institution as is provided therefor by
46 such town or city, or to such charitable institution or private
47 person as he deems suitable, provided that such institution or
48 person consents to receive, support and educate said child;
49 but such order shall not extend beyond the time when such
50 child arrives at the age of twenty-one years, if a male, or
51 at the age of eighteen years if a female, and pending any
52 such continuance of the case before hearing and after hear-
53 ing and until such institution or person can be found, the
54 magistrate or judge may in his discretion, if the circum-
55 stances appear to require it, order said child temporarily into
56 the custody of any such agent so appointed, or of any such
57 institution or suitable person consenting to receive said child,
58 and the expense of the support of said child during such
59 period until permanent provisions can be made therefor, in
60 the manner above specified, shall be paid by the town in
61 which said child resides and said town may recover the
62 amount thereof from the parents or parent of said child, if

63 any, as provided in section fifty of this chapter. An ap-
64 peal by the parents or parent, or the guardian or lawful
65 custodian of said child or children shall be allowed as in
66 other civil cases in the same court, and when the case is in
67 the probate court no appeal bond shall be required of the
68 appellant. In all cases where an appeal is taken the order
69 or decree which is appealed from shall be in force until
70 reversed.'

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 4, 1909.

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

E. M. THOMPSON, *Clerk.*