

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 665

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## STATE OF MAINE.

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

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AN ACT providing for a special equity juvenile court; classifying infants under law; providing for the title, term of office and compensation of the judge; appeals to the Supreme Court; reporter for the juvenile court; and time and place of holding the court.

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

Section 1. Every child who has not reached his or her  
2 eighteenth birthday shall be considered an infant in the eyes  
3 of all law and no conduct of such infant shall ever warrant  
4 it being brought before any common law court for punish-  
5 ment for any offense except as hereinafter provided.

Sect. 2. There is hereby created a special equity court to  
2 be known as the Juvenile Court of the State of Maine. This  
3 court shall have jurisdiction, relating to the custody, deten-

4 tion, guardianship of the person and care of all infants in  
5 distress caused by its own acts or the acts or omission of acts  
6 by others. The county clerks of each county shall be ex-officio  
7 clerks of the Juvenile Courts for each county, and shall  
8 keep a register of the proceedings of said court when held in  
9 the county in a book to be known as the "Juvenile Court  
10 Register." All petitions bringing infants before the Juve-  
11 nile Court shall be filed by the chief or any deputy guardian  
12 with the clerks in the county in which the child petitioned  
13 for resides.

Sect. 3. The Governor, by and with the consent of his  
2 council, shall appoint said judge in like manner and for the  
3 same term as the supreme court justices are appointed, ex-  
4 cept that the first appointment, if made prior to Jan. 3, 1911,  
5 shall expire on that date. Said judge shall preside over the  
6 said juvenile court and hold office until his successor is ap-  
7 pointed and qualified. There shall also be appointed an as-  
8 sistant judge for the same terms who shall serve when called  
9 upon without pay from the State. Vacancies in the office  
10 of judge and assistant judge of said juvenile court shall be  
11 filled as in cases of vacancies of office of justices of the su-  
12 preme court of Maine. No person shall be appointed judge  
13 of the juvenile court holding any other public office.

Said court shall commence as soon as the Governor and  
15 and Council shall deem it practicable.

Sect. 4. The judge of said juvenile court hereby created  
2 shall receive a salary of thirty-five hundred dollars per year,

3 to be paid by the State in the same manner as the salaries of  
4 justices of the supreme court are paid. He shall receive no  
5 other compensation whatsoever for his services as said  
6 judge, save the salary herein provided, except in case of  
7 necessary travel and expense for the proper discharge of his  
8 duty his bill therefor, not exceeding five hundred dollars in  
9 any one year, authenticated and approved as expense ac-  
10 counts of justices of the supreme court are authenticated and  
11 approved, shall be paid from the State Treasury.

Sect. 5. 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 three. A judge of said juvenile court may be re-  
6 moved from office for the same causes and in the same man-  
7 ner as justices of the supreme judicial court. Before the  
8 judge or assistant judge shall enter upon the duties of his of-  
9 fice he shall qualify by taking the official oath prescribed for  
10 supreme court justices of the State of Maine.

Sect. 6. In all proceedings before the juvenile court, where  
2 the rights of the parents, parent, custodian or guardian are  
3 sserted for determination a stenographic report of the pro-  
4 ceedings shall be kept and preserved. The judge of said  
5 court shall appoint a reporter for said court, who shall be  
6 paid at the rate of four dollars per day while actually on  
7 duty. The provisions of law relating to stenographers in

8 the superior and supreme court in Maine shall govern  
9 stenographers in the juvenile court.

Sect. 7. County attorneys of the various counties where  
2 the juvenile court is held shall be the attorneys in the juve-  
3 nile court when called upon by the judge thereof.

Sect. 8. In every county of the State where there is or  
2 may be appointed a probation officer, the said probation of-  
3 ficer, for the purposes of this act, shall be known as a chief  
4 guardian. The judge of the juvenile court may appoint any  
5 discreet person of good moral character to serve as deputy  
6 guardian without pay from county or State. In cities from  
7 four to twenty thousand inhabitants there may be one deputy  
8 guradian, who shall be appointed by the judge of said court.  
9 In cities of over twenty thousand inhabitants there may be  
10 appointed by said judge a deputy guardian for every addi-  
11 tional twenty thousand or fraction thereof. Provided, how-  
12 ever, that if the municipalities prefer they may appoint their  
13 own deputy guardian, on recommendation of the judge of  
14 said court, and the salary of said deputy guardian shall be  
15 fixed and allowed by said municipalities.

The duties of said chief guardian, or any deputy guardian  
17 in his stead, shall be as follows:

a He shall investigate all cases of alleged juvenile distress  
19 coming to his knowledge, or in any way brought to his at-  
20 tention in the county or city for which he is appointed or  
21 elected.

b To make petition before the court of any case of juvenile distress coming to his knowledge.

c To bring before the court, at the time fixed for hearing, any juvenile the parent, parents, guardian or next friends in whose behalf the petition has been filed.

d To serve notice herein provided to be served, or which may be issued by the court.

e To make investigation of every case coming before the court and to report to the court whenever required the result of such investigation.

f To be present in Court to represent the interests of the child when the same is heard.

g To furnish information and assistance to the Court whenever required, and to take charge of any child, both before and after the hearing, as may be directed by the Court.

h To exercise a friendly supervision over the child in accordance with the direction of the Court.

i To act for the State in the filing of complaints and conducting proceedings against persons guilty of contributing to the distress of infants, and for these purposes the chief guardian and their deputies are empowered to approve the issuance of warrants on any complaints filed in the juvenile court.

j To have charge of any child in whose behalf a petition has been filed pending examination in the juvenile court. Provided, however, that no child coming within the meaning of this act shall be incarcerated in any common jail or lock-

49 up, except that said child may be placed in detention in a  
50 suitable room or rooms which may be provided by the county  
51 or municipality.

Sect. 9. Such court, or the judge there shall have full  
2 power and authority to maintain order and decorum in his  
3 court. And the said juvenile court shall have a seal, bear-  
4 ing on the face thereof "Juvenile Court of the State of  
5 Maine, 1909."

Sect. 10. The juvenile court is hereby given concurrent  
2 jurisdiction with trial justices, municipal, superior and su-  
3 preme courts, to hear, under common law, all cases of misde-  
4 meanor of adults where the charge is for contributing to the  
5 distress of infants.

In all cases where the distress of the child would otherwise  
7 constitute a felony, the juvenile court judge, where he deems  
8 necessary, may certify the case to any court of proper juris-  
9 diction.

The said court shall convene at such places and at such  
11 times as may be determined by the judge, except that the  
12 headquarters of said juvenile court shall be at Portland, in  
13 the County of Cumberland. It shall be the duty of the board  
14 of commissioners of Cumberland County, or of other coun-  
15 ties where the probation officer or chief guardians are ap-  
16 pointed, to provide a suitable place in their several counties  
17 for holding the terms of said court, and such necessary sup-  
18 plies for the conduct and maintenance of such court as may

19 be required. The blanks and printing for said Court shall be  
20 supplied at State expense.

Sect. 11. An appeal may be taken from the final decision  
2 or judgment of the juvenile court by the parents, parent,  
3 guardian or custodian of said infant who has been deprived  
4 of its custody, to the supreme court of the State of Maine,  
5 in the same manner as is now provided by law for the taking  
6 of appeals from judgments in the municipal and superior  
7 courts. Provided, however, that notice of appeal shall be  
8 served upon the county attorney for the county in which the  
9 court was held, and upon the judge of the juvenile court.

Sect. 12. On or before the 15th day of December of each  
2 year, the judge of the juvenile court shall, with the assis-  
3 tance of the chief guardian and deputies, make a written re-  
4 port to the Governor and Council showing the number and  
5 disposition of children brought before the court during the  
6 year ending Nov. 30th of that year. And such report shall  
7 contain such other useful information regarding such case as  
8 may be deemed important or of value including the facts in  
9 connection with the parentage of such children, providing the  
10 identity of any child or parent shall not be disclosed, and that  
11 said report shall be published at State expense.

Sect. 13. The laws governing municipal and superior  
2 courts, relating to the service or process of subpoenaing wit-  
3 nesse, and the taxing of costs connected therewith, are here-  
4 by made applicable upon the same subjects in the juvenile  
5 court, unless otherwise provided for in this act.



Sect. 14. In the disposition of any child coming within the jurisdiction of this court, the judge may place the child in any State or other institution organized for the care and education of children, or in any suitable family home open for the purpose, having regard to the religious affiliation of said child.

Sect. 15. The provisions of this act shall be liberally construed, to wit: That the care, custody and discipline of all children brought before the court shall approximate, as nearly as may be, that which should be given by natural parents and that all children in delinquency or distress shall be treated only as unfortunate children needing care, nurture and education; that the court itself shall be a part of the educational system of the State, and not an institution of punishment.

Sect. 16. All acts or parts of acts inconsistent with the provisions and spirit of this act are hereby repealed.

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STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 17, 1909.

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

E. M. THOMPSON, *Clerk.*