

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)

NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 588

House of Representatives, March 20, 1913.

Reported by Mr. Smith of Patten from Committee on Judiciary, and ordered printed under joint rules.

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT creating a State Board of Charities and Corrections.

Section 1. The governor, by and with the advice and con-
2 sent of the council, shall appoint five persons, at least one
3 of whom shall be a woman, who shall constitute a State
4 Board of Charities and Corrections, to serve without com-
5 pensation, except their travelling and other necessary ex-
6 penses which shall be audited by the state auditor and paid
7 by the state treasurer upon the certificate of the state au-
8 ditor issued therefor, as provided by law. One of these
9 persons, as selected by the governor upon the first appoint-
10 ment, shall serve for five years, one for four years, one for
11 three years, one for two years and one for one year, and

12 upon the expiration of the terms of each, his or her succes-
13 sor shall in like manner be appointed for the term of five
14 years. Any vacancy arising before the expiration of a term
15 of office shall be filled by appointment by the governor for
16 the residue of the term. The board shall be non-partisan
17 politically. Regular meetings of the board shall be held
18 quarterly, or oftener, if required, and a suitable room shall
19 be provided in the State House for its use. The board may
20 elect a president, appoint a secretary and agents, all sub-
21 ject to approval and removal by the governor, and make
22 such rules and orders for the regulation of its proceedings
23 as it may deem necessary. All rules and regulations gov-
24 erning the administration of state institutions must be ap-
25 proved by the State Board, and no superintendent, agent or
26 other under-official shall have any discretionary power to
27 change such rules and regulations.

Sect. 2. The board shall appoint a secretary, who shall
2 not be chosen from their own number and who shall be
3 qualified by special knowledge and experience in charitable
4 and correctional and institutional work, and who shall re-
5 ceive for his services, in addition to his travelling and other
6 necessary expenses, such salary as may be agreed upon by
7 the board, with the advice and consent of the governor and
8 council. The accounts of such secretary for his travelling
9 and other necessary expenses shall be approved by the board,
10 audited by the state auditor and, together with the salary
11 of such secretary, not exceeding twenty-five hundred dol-

12 lars shall be paid out of the state treasury upon the certifi-
13 cate of the state auditor issued thereof. The expenses of
14 the board and the salary and expense of the secretary or
15 of any agent employed by the board not exceeding in all
16 the sum of six thousand dollars shall be paid pro-rata by
17 all institutions coming within the scope of this act which
18 receive state aid in the following manner, viz: Each of
19 such institutions shall pay such proportion of said total ex-
20 penses for any one year as its own appropriation for that
21 year bears to the total amount appropriated for that year
22 for the benefit of all such institutions.

Sect. 3. The board shall investigate and inspect the whole
2 system of public charities and correctional institutions in
3 the state and work of any department of the same, examine
4 into the condition and management of all prisons, jails, re-
5 form schools, industrial schools of a charitable or correc-
6 tional nature, children's homes, hospitals, sanatoriums, alms-
7 houses, orphanages, hospitals for the insane, schools or
8 homes for feeble-minded and any and all other institutions
9 of such nature which derive their support wholly or in part
10 from state, county or municipal appropriations, but not in-
11 cluding any institution of a purely educational or industrial
12 nature; and any private institution of a charitable or cor-
13 rectional nature may upon application and request in writ-
14 ing made to the secretary of the board, be included in the
15 list of institutions under the inspection of said board and
16 become subject to the provisions of this act. The officers

17 in charge of all institutions of a charitable or correctional
18 nature under the inspection of the board, and local boards
19 or committees having any powers or duties relative to the
20 management of the same, and those who are in any way
21 responsible for the administration of public funds used for
22 the relief or maintenance of the poor, shall furnish to the
23 board or its secretary such information and statistics as
24 may be demanded. The board may prescribe such forms
25 not inconsistent with those otherwise prescribed by law as
26 it may deem necessary to secure uniformity and accuracy
27 in the statements of the several institutions and officials re-
28 porting. The board in its discretion with knowledge and
29 consent of the governor of the state may at any time make
30 an investigation of the management of any charitable, re-
30a formatory, penal, or other institution made subject to its
31 supervision by the terms of this act; and when authorized
32 by the governor and council the board shall in making such
33 investigation have power to summon witnesses and demand
34 the production of papers and documents material as evi-
35 dence, and to compel the attendance of such witnesses and
36 the production of such papers and documents by punish-
37 ment for contempt in case of wilful failure, neglect or re-
38 fusal to attend on the part of any person summoned as a
39 witness, or to produce such papers or documents when
40 ordered by the board, and shall have power to administer
41 oaths and affirmations; and the report of such investiga-
42 tions, with the testimony and conclusions of the board there-
43 on, shall be made to the governor and council and may be

44 submitted by them with their recommendations, to the leg-
45 islature.

Sect. 4. Each institution under the inspection of the board
2 shall be visited at least once each year by a member of the
3 board or by the secretary of the board or authorized agent
4 employed by the board for that purpose, and as much oftener
5 as may be found expedient, and at such times said visiting
6 member or secretary shall consult with the officers of such
7 institutions and make such recommendations and sugges-
8 tions as to the management thereof as may seem advisable,
9 and the board as a whole shall, whenever it seems to be
10 necessary, formally recommend to the trustees or boards
11 of management of any such institution or of any depart-
12 ment of public charities or corrections such course of ac-
13 tion in the conduct of said institution or department as the
14 board shall deem best. The board shall also give to the
15 governor, or governor and council, or to the legislature or
16 any committee thereof, at any time upon their request, or
17 when the board shall deem it necessary, information and
18 advice with reference to any charitable or correctional in-
19 stitutions which the board is required by this act to inspect
20 or investigate, or as to which it is required to collect infor-
21 mation or statistics, provided, however, that before any re-
22 port shall be made by the board to the governor and coun-
23 cil or to the legislature recommending any change in the
24 policy or management of any institution reasonable notice
25 thereof shall be given to the trustees or boards of manage-
26 ment of the same.

Sect. 5. Any minor child who shall come in any way under the inspection or supervision of the state board, when placed in a family, shall be placed in a family of the same religious faith as that of the parents or surviving parent of such child, where a suitable family of such faith can be found willing to take such child. Any written promise made by either parent in such matter shall be faithfully carried out by the board.

If such family cannot be found, then such child shall be placed in an institution maintained for children of such faith. In case no institution of such faith exists in this state or is able to take said child, then it may be placed in such institution as may be approved by the board until such a family has been secured; provided, however, that if the parents of such child are of different religious faiths, or the faith of its parents cannot for any reason be ascertained, then such child shall be placed in a family or institution of that religious faith in which such child has been reared and educated, but where no such family or institution can be found to take such child, then in some institution approved by said board until such family or institution can be found.

No child when placed in any home or institution shall be denied the opportunity of attending the religious worship or exercising the religious belief of its parents or surviving parent or in which it was reared and educated.

Sect. 6. The board shall give its opinion as to advisability of the proposed organization and incorporation of all institutions of a charitable, eleemosynary, correctional or

4 reformatory character which are or shall be subject to the
5 supervision and inspection of the board.

Sect. 7. All plans and specifications for new jails, work-
2 houses, prisons, reformatories, children's homes, alms-
3 houses, hospitals, or other similar institutions and buildings
4 for charitable or correctional purposes which are to be in
5 any way under the inspection of the State Board shall be
6 submitted to the board for criticism and suggestions before
7 the same are accepted.

Sect. 8. Overseers of the poor and all other officers hav-
2 ing charge of the administration of pauper funds shall keep
3 full and accurate records of the paupers fully supported,
4 the persons relieved and partially supported, and the travel-
5 lers and vagrants lodged at the expense of their respective
6 towns, together with the amount paid by them for such
7 support and relief, and shall annually make return of the
8 number of such persons supported and relieved, with the
9 cost, to the State Board of Charities. From the returns
10 made by the overseers of the poor or other officers respon-
11 sible for the administration of pauper funds the board shall
12 prepare and print in its annual report a complete statement
13 and table of all statistics and information thus obtained.

Sect. 9. The board shall annually on the thirty-first day
2 of December prepare and print, for the use of the legisla-
3 ture, a full and complete report of its work during the year
4 ending on the first day of November preceding, stating in
5 detail all the expenses incurred, all officers and agents em-

6 ployed, with a report of the secretary showing the actual
7 condition of the various institutions under its supervision,
8 with such suggestions and recommendations as it may deem
9 necessary and advisable.

Sect. 10. No member of said board or its secretary or
2 any agent thereof shall be directly or indirectly interested
3 in any contract for the purchase of land or for building,
4 altering or repairing any institution or building which by
5 this act they are authorized to visit and inspect or for fur-
6 nishing materials or supplies for the same, nor shall any
7 officers of such institution be eligible to appointment on the
8 board hereby created.

Sect. 11. Any official or person who shall wilfully fail,
2 neglect or refuse to perform any of the duties imposed upon
3 him by the provisions of this act, shall be fined not more
4 than five hundred dollars, or be imprisoned not more than
5 six months.

Sect. 12. It shall be the duty of the attorney general and
2 of the several county attorneys within their respective coun-
3 ties when so required, to furnish such legal assistance, coun-
4 sel or advice as the board may require in the discharge of its
5 duties.