

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 18

In Senate, Jan. 28, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Committee on Reference.

Presented by Mr. Cole of York.

STATE OF MAINE

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

AN ACT for the Better Protection of Children and to amend Chapter 61 of the Revised Statutes for 1903, and Chapter 123 of the Public Laws of 1905, as amended by Chapter 43 of the Public Laws of 1907, and Chapter 109 of the Public Laws of 1909.

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

Section 1. Section 1 of chapter 123 of the public laws of 2 1905 as amended by chapter 43 of the public laws of 1907, 3 is hereby amended, so that the same as amended shall read 4 as follows:

Section 1. Upon application of the county commissioners
6 of any county, to the governor and council, recommending
7 any person as an "agent for the protection of children," the
8 governor shall cause the qualifications and experience of said
9 person to be investigated by the state board of charities and
10 corrections, and report thereon to be made to the governor,
11 and if from such report it shall appear that the person so
12 recommended possesses the necessary qualifications and ex-
13 perience for the office, the governor and council shall issue
14 a badge and a commission to the person designated in said
15 application, appointing such person an "agent for the pro-
16 tection of children," to serve within and for the county for
17 which he or she shall be appointed and within which he or
18 she shall reside, authorizing such agent to arrest persons
19 charged with violating any of the provisions of this act or
20 any other act or law concerning the protection of children
21 or prevention of cruelty to the same, and to serve any pro-
22 cess, civil or criminal, provided for by the terms of said
23 acts or required for the enforcement of the same, in the
24 same manner and with the same powers in the premises as
25 any sheriff, deputy sheriff, police officer or constable, and
26 to perform such other duties as may be provided for by this
27 act; provided, that the powers and duties of such agent shall
28 be confined to the limits of the county for which he or she
29 is appointed, and provided further that there shall not be
30 more than two commissions in force for any county at one
31 and the same time.'

Sect. 2. Commissions of agents heretofore appointed under the provisions of chapter 123 of the public laws of 1905 and any acts amendatory thereof prior to the passage of this act, shall not be terminated hereby, but shall continue to have the same force and effect as though this act had not been passed, provided, that during the remainder of the term for which said agents were commissioned they shall in the performance of their duties be subject to all of the provisions of this act.

Sect. 3. Should any vacancy occur, after this act shall become effective, in the office of "agent for the protection of children" in any county, and should the county commissioners fail, for more than sixty days thereafter, to recommend a suitable person for the office, then such appointment may be made by the governor and council upon the recommendation of the state board of charities and corrections in the same manner as though the recommendation had been made in the first instance by the county commissioners.

Sect. 4. Section 2 of chapter 123 of the public laws of 1905 is hereby amended to read as follows:

'Sect. 2. Any agent for the protection of children appointed as aforesaid and all sheriffs, deputy sheriffs, police officers and constables shall investigate all cases of cruel or injurious treatment of children coming to their knowledge, and shall cause offenders against any provisions of this act or any other act concerning the protection of children or

9 prevention of cruelty to the same to be prosecuted. Said
10 agents shall be ex-officio agents of the state board of cheri-
11 ties and corrections and the said board shall advise and
12 direct said agents in the performance of their duties, and
13 the said agents shall file with the said board such reports
14 of cases investigated and children taken into custody by or
15 through their efforts as said board may require. For their
16 services in conducting such investigations said agents and
17 officers shall be paid their actual expenses and compensa-
18 tion at the rate of two dollars and fifty cents per diem for
19 every day and at the same ratio for every part of a day in
20 which they are actually engaged in making such investiga-
21 tion, by the county in which such services are rendered and
22 for the service of any process, civil or criminal, which they
23 may be authorized to serve by the terms of this act, they
24 shall be allowed the same fees as are now allowed officers
25 by law for the service of any similar process ; provided, how-
26 ever, that all claims of such agents or officers for such travel
27 and services, expenses and fees shall first be audited by the
28 state board of charities and corrections before they are ap-
29 proved by the county commissioners of the county liable to
30 pay for the same. All fines imposed for the punishment of
31 such offenses shall be paid over to the county treasurer of
32 the county in which the offense may have been committed.'

Sect. 5. Section 45 of chapter 61 of the revised statutes,
2 1903, is hereby amended to read as follows :

‘Sect. 45. When complaint in writing, signed by any such
4 agent so appointed or any officer or agent of any society
5 for the protection of children or the prevention of cruelty
6 to the same, or by three or more citizens of any town or
7 city is made under oath to the judge of any court or trial
8 justice in the county in which said town or city is located,
9 alleging that such child in said town or city is cruelly treated
10 or wilfully neglected by its parents or parent, or by the
11 inability or the wilful failure of such parents or parent is
12 not provided with suitable food, clothing or the privileges
13 of education, or is kept at or allowed to frequent any dis-
14 orderly house, house of ill fame, gambling place or place
15 where intoxicating liquors are sold, or other place injurious
16 to health or morals, or that such child is an orphan without
17 means of support or kindred of sufficient ability who will
18 furnish such support, and praying that suitable and proper
19 provision may be made for the care, custody, support and
20 education of the child named in such complaint; the magis-
21 trate or judge to whom such complaint is made shall issue
22 his warrant and cause such child to be brought before him,
23 and notice to be given to its parents or parent, if any, for
24 such length of time as the judge or magistrate may see fit,
25 either by service in hand or publication in such manner as
26 the judge or magistrate may direct, and also reasonable
27 notice to the board of overseers of the poor where the said
28 child resides and to the state board of charities and cor-

29 rections to be given in writing to the secretaries of said
30 boards, and the judge or magistrate may if he deems it
31 necessary in his discretion continue the case for hearing,
32 and if upon hearing it appears that the allegations of said
33 complaint are true, and that it is suitable and proper that
34 such child shall be supported and educated away from its
35 parents or parent, he shall order it into the care and custody
36 of such place or institution as is provided therefor by such
37 town or city, or to such charitable institution or private
38 person as he deems suitable, provided that such institution
39 or person consents to receive, support and educate said child ;
40 but such order shall not extend beyond the time when such
41 child arrives at the age of twenty-one years, if a male, or
42 at the age of eighteen years, if a female, and pending any
43 such continuance of the case before hearing and after hear-
44 ing and until such institution or person can be found, the
45 magistrate or judge may in his discretion if the circum-
46 stances appear to require it, order said child temporarily
47 into the custody of any such agent so appointed, or of any
48 such institution or suitable person consenting to receive said
49 child, and the expense of the support of said child during
50 such period until permanent provision can be made therefor,
51 in the manner above specified, shall be paid by the town in
52 which said child resides, and said town may recover the
53 amount thereof from the parents or parent of said child,
54 if any, as provided in section 50 of this chapter, or from

55 the town where the child has legal settlement, if any, or if
56 the child is without settlement in any town, then from the
57 state.'

Sect. 6. No child under sixteen years of age shall be
2 placed in any almshouse in this state or be suffered by the
3 overseers of the poor to remain in such almshouse, except
4 in cases of emergency, and then for a period not exceeding
5 sixty days, provided, that children under three years of age
6 may be kept in almshouses when their mother is also an
7 inmate. Whenever any children under the age of sixteen
8 years are placed or allowed by the overseers of the poor to
9 remain in almshouses, notice of that fact, giving the name,
10 parentage, and such other facts as the state board of chari-
11 ties and corrections may require, shall be sent by the over-
12 seers of the poor to the said board within forty-eight hours
13 of the entrance of such child into the almshouse.

Sect. 7. It shall be unlawful for any person, firm, cor-
2 poration or association to conduct or maintain a maternity
3 hospital, to conduct or maintain a boarding house or home
4 for two or more children under sixteen years of age unat-
5 tended by parents or guardians, excepting children related
6 to him by blood or marriage or who have been legally adopt-
7 ed by him or to engage in, or assist in conducting a business
8 of placing out or finding homes or otherwise disposing of
9 children under sixteen years of age, without having in full
10 force a written license therefor from the state board of

11 charities and corrections; provided, that nothing in this sec-
12 tion shall apply to any institution already under the super-
13 vision of the state board of charities and corrections by the
14 provisions of chapter 196 of the public laws of 1913.

Sect. 8. 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 for not more
5 than six months.