

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-SEVENTH LEGISLATURE

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SENATE

NO. 440

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*In Senate, March 26, 1915.*

*Reported by Sen. Butler from Committee on Judiciary, and  
ordered printed under joint rules.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT for the better protection of children, and to amend  
Chapter 61 of the Revised Statutes of 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.

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*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 by the mayor and aldermen  
6 of any city, the selectmen of any town or the county com-

7 missioners of any county to the governor and council recom-  
8 mending any person as an "agent for the protection of chil-  
9 dren," the governor shall cause the qualifications and ex-  
10 perience of said person to be investigated by the state board  
11 of charities and corrections, and report thereon to be made  
12 to the governor and if from such report it shall appear that  
13 the person so recommended possesses the necessary qualifi-  
14 cations and experience for the office, the governor and coun-  
15 cil shall issue a badge and a commission to the person desig-  
16 nated in said application, appointing such person an "agent  
17 for the protection of children," to serve within and for the  
18 county for which he or she shall be appointed and within  
19 which he or she shall reside, authorizing such agent to arrest  
20 persons charged with violating any of the provisions of this  
21 act or any other act or law concerning the protection of  
22 children, or prevention of cruelty to the same, and to serve  
23 any process, civil or criminal, provided for by the terms of  
24 said acts or required for the enforcement of the same, in  
25 the same manner and with the same powers in the premises  
26 as any sheriff, deputy sheriff, police officer or constable, and  
27 to perform such other duties as may be provided for by  
28 this act; provided that the powers and duties of such agent  
29 shall be confined to the limits of the county for which he  
30 or she is appointed, and provided further, that there shall  
31 not be more than two commissions which have been issued  
32 under the provisions of this act as above amended in force  
33 for any county at one 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 mayor and aldermen of any city, the selectmen of any town or the county commissioners fail, for more than thirty 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

8 this act or any other act concerning the protection of chil-  
9 dren or prevention of cruelty to the same to be prosecuted.  
10 Said agents shall be ex-officio agents of the state board of  
11 charities and corrections, and the said board shall advise  
12 and instruct said agents in the performance of their duties,  
13 and the said agents shall file with the said board such re-  
14 ports of cases investigated and children taken into custody  
15 by or through their efforts as said board may require. For  
16 their services in conducting investigations, making inspec-  
17 tions and performing such other duties as are required by  
18 this act, said agents and officers shall be paid their actual  
19 expenses and compensation at the rate of two dollars per  
20 diem for every day and at the same ratio for every part of  
21 a day in which they are actually engaged in making such  
22 investigations and inspections or performing such other du-  
23 ties, by the county in which such services are rendered, and  
24 for the service of any process, civil or criminal, which they  
25 may be authorized to serve by the terms of this act, they  
26 shall be allowed the same fees as are now allowed officers  
27 by law for the service of any similar process; provided,  
28 however, that all claims of such agents or officers for such  
29 travel and services, expenses and fees, shall first be audited  
30 by the state board of charities and corrections before they  
31 are approved by the county commissioners of the county  
32 liable to pay for the same. All fines imposed for the pun-  
33 ishment of such offenses shall be paid over to the county

34 treasurer for the county in which the offense may have been  
35 committed.'

Sect. 5. Section 45 of chapter 61 of the revised statutes  
2 of 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 wil-  
11 ful failure of such parents or parent is not provided with  
12 suitable food, clothing or the privileges of education, or is  
13 kept at or allowed to frequent any disorderly house, house  
14 of ill fame, gambling place or place where intoxicating liq-  
15 uors are sold, or other place injurious to health or morals,  
16 or that such child is an orphan without means of support  
17 or kindred of sufficient ability who will furnish such sup-  
18 port, and praying that suitable and proper provision may  
19 be made for the care, custody, support and education of  
20 the child named in such complaint; the magistrate or judge  
21 to whom such complaint is made shall issue his warrant  
22 and cause such child to be brought before him, and notice  
23 to be given to its parents or parent, if any, for such length  
24 of time as the judge or magistrate may see fit, either by  
25 service in hand or publication in such manner as the judge

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

52 any, or if the child is without settlement in any town, then  
53 from the state.'

Sect. 6. Any minor child who shall come in any way un-  
2 der the provisions of this act, when placed in a family, shall  
3 be placed in a family of the same religious faith as that of  
4 the parents or surviving parent of such child, where a suit-  
5 able family of such faith can be found willing to take such  
6 child. Any written promise made to either parent in such  
7 manner shall be faithfully carried out by the agent.

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

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



Sect. 7. 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 two years of age  
6 may be kept in almshouses when their mother is also an  
7 inmate. Whenever any children under sixteen years of age  
8 are placed or allowed by the overseers of the poor to remain  
9 in almshouses, notice of that fact, giving the name, parent-  
10 age and such other facts as the state board of charities and  
11 corrections may require, shall be sent by the overseers of  
12 the poor to the said board within forty-eight hours of the  
13 entrance of such child into the almshouse.

Sect. 8. 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 three or more children under sixteen years of age, un-  
5 attended by parents or guardians, excepting children related  
6 to him by blood or marriage, or who have been legally  
7 adopted by him, or to engage in, or assist in conducting a  
8 business of placing out or finding homes or otherwise dis-  
9 posing of children under sixteen years of age, without hav-  
10 ing in full force a written license therefor from the state  
11 board of charities and corrections, provided, that nothing in  
12 this section shall apply to any institution already under the  
13 supervision of the state board of charities and corrections  
14 by the provisions of chapter 196 of the public laws of 1913.

Sect. 9. Section 50 of chapter 61 of the revised statutes  
2 of 1903 is hereby amended so that the same shall read as  
3 follows:

‘Any town or county incurring expenses under the five  
5 preceding sections, or under section 2 of chapter 123 of the  
6 public laws of 1905 as amended by section 4 of this act,  
7 through the fault of parents who are able properly to sup-  
8 port and educate their children, but wrongfully neglect and  
9 refuse to do so, may recover of them, in an action of debt,  
10 the amount so expended.’

Sect. 10. 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. \*