

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 134

In Senate, Feb. 9, 1917.

Referred to Committee on School for Boys and Industrial School for Girls and one thousand copies ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

Presented by Mr. Fulton of Aroostook.

STATE OF MAINE

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

AN ACT providing for transfer of boys and girls from State Juvenile Institutions to other Institutions, and amending certain laws pertaining to State Juvenile Institutions.

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

Section 1. Section 3 of Chapter 144 of the Revised Statutes is hereby amended by striking out the word "eight" in the second line of said section, and inserting in the place thereof the word 'eleven,' and by striking out the word "sixteen" in the second line thereof, and inserting in the

6 place thereof the word 'seventeen,' so that said section as
7 amended shall read as follows: 'When a boy between the
8 ages of eleven and seventeen years is convicted before any
9 court or trial justice having jurisdiction of the offense, of
10 an offense punishable by imprisonment in the state prison,
11 not for life, or in the county jail, or in any house of cor-
12 rection, such court or justice may order his commitment to
13 the state school for boys or sentence him to the punishment
14 provided by law for the same offense. If to said school,
15 the commitment shall be conditioned that if such boy is not
16 received or kept there for the full term of his minority,
17 unless sooner discharged by the trustees as provided in sec-
18 tion six, or released on probation as provided in section
19 nine, he shall then suffer the punishment provided by law,
20 as aforesaid, as ordered by the court or justice; but no
21 boy shall be committed to said school who is deaf and dumb,
22 non compos, or insane.'

Sect. 2. Section 20 of Chapter 144 of the Revised
2 Statutes is hereby amended by striking out the word "six"
3 in the second line of said section, and inserting in the
4 place thereof the word 'nine,' and by striking out the word
5 "sixteen" in the second line of said section, and inserting
6 in the place thereof the word 'seventeen,' so that said sec-
7 tion as amended shall read as follows: 'A parent or
8 guardian of any girl between the ages of nine and seventeen
9 years, the municipal officers, or any three respectable in-
10 habitants of any city or town, where she may be found,

11 may complain in writing to the judge of probate or any
12 trial justice in the county, or to the judge of the municipal
13 or police court for such city or town, alleging that she is
14 leading an idle or vicious life, or has been found in circum-
15 stances of manifest danger of falling into habits of vice
16 or immorality, and request that she may be committed to
17 the guardianship of the officers of said school. The judge
18 or justice shall appoint a time and place of hearing, and
19 order notice thereof to all persons entitled to be heard, and
20 at such time and place, may examine into the truth of said
21 allegations, and if satisfactory evidence thereof is adduced,
22 and it appears that the welfare of such girl requires it, he
23 may order her to be committed to the custody and guardian-
24 ship of the officers of said school during her minority, un-
25 less sooner discharged by process of law. All precepts
26 issued in pursuance of this section may be executed by any
27 officer who may execute civil process; and the fees of
28 judges of municipal and police courts, trial justices and
29 officers shall be the same as for similar services in civil
30 cases, and, when not otherwise provided for, shall be
31 audited by the county commissioners and paid from the
32 county treasury.'

Sect. 3. If, in the opinion of the Trustees of Juvenile In-
2 stitutions, any girl, under the guardianship of the State
3 School for Girls, or who may hereafter be committed
4 thereto, who has attained the age of sixteen years, is in-
5 corrigible, they may certify the same on the original

6 mittimus and have it signed by the president or secretary
7 of the Board of Trustees in behalf of said Trustees; where-
8 upon said girl shall be transferred from said State School
9 for Girls to the Reformatory for Women, together with
10 the original mittimus and certificate thereon. It shall be
11 the duty of the officers of the Reformatory for Women
12 to receive any girl so transferred, and the remainder of the
13 original commitment shall be executed at the Reformatory
14 for Women. After said transfer has been made, the rights
15 and duties of the Trustees of Juvenile Institutions over
16 and toward said girl shall cease, and the rights and duties
17 of the Trustees of the Reformatory for Women shall be
18 the same as in case the girl had been originally committed
19 to said Reformatory. Any part of Chapter 144 of the
20 Revised Statutes inconsistent with this section is hereby
21 repealed.

Sect. 4. Any boy now under the guardianship of the
2 State School for Boys, or who may hereafter be committed
3 there, who is feeble minded, or who, after his commitment,
4 becomes feeble minded, or any girl now under the guardian-
5 ship of the State School for Girls, or who may hereafter
6 be committed there, who is feeble minded, or who, after
7 her commitment, becomes feeble minded, may be transferred
8 by the Trustees of Juvenile Institutions to the Maine School
9 for Feeble Minded. In such event the Trustees of Juvenile
10 Institutions, by their president or secretary, shall endorse
11 on the original mittimus the fact that the boy or girl is

12 feeble minded, and attach thereto a certificate from a regu-
13 lar practicing physician within the state, certifying that the
14 boy or girl is feeble minded. Upon the delivery of the
15 boy or girl to the officers of the Maine School for Feeble
16 Minded, together with the original mittimus and certificates
17 herein provided, it shall be the duty of the officers of the
18 Maine School for Feeble Minded to receive such boy or
19 girl, and thereafter the Trustees of Juvenile Institutions
20 shall cease to have any authority over such boy or girl, and
21 the hospital trustees shall have the same authority over said
22 boy or girl as they would have if he or she had been
23 originally committed to the Maine School for Feeble
24 Minded.

Sect. 5. Any boy now under the guardianship of the
2 State School for Boys, or who may hereafter be committed
3 there, who is insane, or who, after his commitment, be-
4 comes insane, or any girl now under the guardianship of
5 the State School for Girls, or who may hereafter be com-
6 mitted there, who is insane, or who, after her commitment,
7 becomes insane, may be transferred by the Trustees of
8 Juvenile Institutions to either of the State Hospitals for
9 Insane. In such event the Trustees of Juvenile Institutions,
10 by their president or secretary, shall endorse on the original
11 mittimus the fact that the boy or girl is insane, and attach
12 thereto a certificate from a regular practicing physician
13 within the state, certifying that the boy or girl is insane.
14 Upon the delivery of the boy or girl to the officers of either

15 of the State Hospitals for Insane, together with the orig-
16 inal mittimus and certificates herein provided, it shall be
17 the duty of the officers of either of the State Hospitals for
18 Insane to receive such boy or girl, and thereafter the Trus-
19 tees of Juvenile Institutions shall cease to have any
20 authority over such boy or girl, and the hospital trustees
21 shall have the same authority over said boy or girl as they
22 would have if he or she had been originally committed to
23 either of the State Hospitals for Insane.

Sect. 6. Section 29 of Chapter 117 of the Revised
2 Statutes is hereby amended by striking out the words "one
3 thousand" in the second and third lines of said section,
4 and inserting in the place thereof the words 'fifteen hun-
5 dred,' so that said section as amended shall read as fol-
6 lows: "The superintendent of the state school for boys
7 shall receive an annual salary of fifteen hundred dollars.'

Sect. 7. Section 25 of Chapter 137 of the Revised
2 Statutes is hereby amended by striking out the words "or
3 the state school for boys" in the second and third lines of
4 said section, and by striking out the words "and may not
5 fix a definite term in said state school for boys" in the
6 fourth and fifth lines of said section, so that said section
7 as amended shall read as follows: "When any person
8 shall be convicted of crime the punishment for which pre-
9 scribed by law, may be imprisonment in the state prison,
10 the court imposing sentence, shall not fix a definite term
11 of imprisonment in said state prison, but shall or may fix

12 a minimum term of imprisonment, which shall not be less
13 than six months in any case. The judge shall at the time
14 of pronouncing such sentence recommend and state therein
15 what, in his judgment, would be a proper maximum penalty
16 in the case at bar not exceeding the maximum penalty pro-
17 vided by law, and the penalty so stated shall be the maxi-
18 mum sentence in such case. He shall before or at the time
19 of passing such sentence ascertain by examination of such
20 prisoner on oath, or otherwise, and in addition to such
21 oath, by such other evidence as can be obtained, any facts
22 tending to indicate briefly the causes of the criminal char-
23 acter or conduct of such prisoner, which facts, and such
24 other facts as shall appear to be pertinent in the case, he
25 shall cause to be entered upon the minutes of the court.'