

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 164

In Senate, Feb. 13, 1917.

Referred to Committee on Judiciary and one thousand copies ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

Presented by Mr. Holt of Cumberland.

STATE OF MAINE

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

AN ACT for the better protection of children and to amend
certain sections of Chapter 64, Revised Statutes.

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

Section 1. Section 51, Chapter 64, Revised Statutes, is
2 hereby amended to read as follows:

‘Sect. 51. The State Board of Charities, its secretary and
2 agents, so far as funds are made available therefor by the
3 Legislature, and all sheriffs, deputy sheriffs, police officers,
4 constables, and overseers of the poor, shall investigate all
5 cases of cruel and injurious treatment of children coming to

6 their knowledge, and shall cause offenders against any law
7 concerning the protection of children or prevention of
8 cruelty to the same to be prosecuted. Said secretary, agents,
9 sheriffs, deputy sheriffs, police officers, and overseers of the
10 poor, shall file with the State Board of Charities and Cor-
11 rections such reports of cases investigated and children taken
12 into custody by or through their efforts as the board may
13 require. For their services in conducting investigations,
14 making inspections and performing such other duties as are
15 required by the last twelve sections of this chapter, said
16 agents shall be paid by the state their actual expenses and
17 such compensation as may be fixed by the State Board of
18 Charities and Corrections; sheriffs and deputy sheriffs shall
19 be paid by their respective counties their actual expenses
20 and compensation, where no salary is paid, at the regular
21 per diem rate fixed by law for their respective offices; police
22 officers, constables and overseers of the poor shall be paid by
23 their respective towns their actual expenses and the usual
24 compensation allowed for the performance of the duties of
25 their respective offices; and for the service of any process,
26 civil or criminal, which they may be authorized to serve by
27 the terms of this section, said sheriffs, deputy sheriffs, police
28 officers and constables, shall be allowed the same fees as are
29 now allowed officers by law for the service of any similar
30 process.

Sect. 2. Section 52, Chapter 64, Revised Statutes, is here-
2 by amended to read as follows:

'Sect. 52. Any agent or officer named in the preceding
2 section may arrest and bring before any court or magistrate
3 having jurisdiction, any person offending against any law
4 concerning the protection of children or the prevention of
5 cruelty to the same, or serve any process, civil or criminal,
6 provided for by the terms of said laws or required for the
7 enforcement of the same, in the same manner and with the
8 same powers in the premises as any sheriff, deputy sheriff,
9 police officer or constable, but said agents shall not be entitled
10 to any fees therefor. Any such agent, sheriff, deputy sheriff,
11 police officer, constable or overseer of the poor, may law-
12 fully interfere to prevent the perpetration in his presence of
13 any such offence or act prohibited by any law concerning the
14 protection of children or the prevention of cruelty to the
15 same, and whoever interferes with or obstructs such agent
16 or any officer, deputy sheriff, police officer, constable or
17 overseer of the poor in the discharge of his duty, is guilty of
18 a misdemeanor, and shall be punished by fine not exceeding
19 five hundred dollars or by imprisonment not exceeding six
20 months. The State Board of Charities and Corrections shall
21 issue to any person appointed to act as its "agent for the
22 protection of children" under the provisions of this chapter a
23 suitable badge of office.'

Sect. 3. Section 53, Chapter 64, Revised Statutes, is here-
2 by amended to read as follows:

Sect. 53. When complaint in writing, signed by the sec-
2 retary or any duly appointed agent of the State Board of

3 Charities and Corrections, or any sheriff, deputy sheriff,
4 police officer, constable or overseer of the poor, or any officer
5 or agent of any society for the protection of children or the
6 prevention of cruelty to the same, or by three or more citi-
7 zens of any town or city is made under oath to the judge of
8 the probate court or any municipal or police court in the
9 county in which the said city or town is located, alleging
10 that any child in said town or city is cruelly treated or wil-
11 fully neglected by its parents or parent, or by the wilful
12 failure of such parents or parent, is not provided with suit-
13 able food, clothing or privileges of education, or is kept at or
14 allowed to frequent any disorderly house, house of ill fame,
15 gambling place or other place where intoxicating liquors are
16 sold, or other place injurious to health or morals, or that
17 such child is an orphan without means of support or kindred
18 of sufficient ability who will furnish such support, and pray-
19 ing that suitable and proper provision may be made for the
20 care, custody, support and education of the child named in
21 such complaint, the magistrate or judge to whom such com-
22 plaint is made shall issue his warrant and cause such child
23 to be brought before him, and notice to be given to its parents
24 or parent, if any, for such length of time as the judge or
25 magistrate may see fit, either by service in hand or by publi-
26 cation in such manner as the judge or magistrate may direct ;
27 the judge or magistrate may, if he deems it necessary, in his
28 discretion, order or continue the case for hearing, and shall
29 cause notice in writing of such continuance or hearing to be

30 given to the State Board of Charities and Corrections at its
31 office at the State House and to the overseers of the poor of
32 the town where the child is residing at least ten days before
33 the date set for the hearing. Pending any such continuance
34 of the case before hearing, if the circumstances appear to
35 require it the judge or magistrate shall order the child into
36 the care and custody of any suitable person consenting to
37 receive it; and after hearing, if it shall appear that the alle-
38 gations of said complaint are true, and that it is suitable and
39 proper that such child shall be supported and educated away
40 from its parents or parent, the magistrate or judge shall
41 order said child temporarily into the custody of the State
42 Board of Charities and Corrections, and cause a copy of the
43 order of commitment to be sent forthwith to said board, and
44 the expense of the support of said child from the time said
45 judge shall order said child temporarily into the custody of
46 the State Board of Charities and Corrections until suitable
47 permanent provision can be made therefor, or until said child
48 arrives at the age of 16 years, if a male, and 18 years, if a
49 female, shall be paid by the town in which said child resides,
50 and said town may recover the amount thereof from the
51 parents or parent of said child, if any, as provided in Section
52 sixty of this chapter, or from the town where the child has
53 legal settlement, if any, or if the child shall not appear to
54 have a legal settlement in any town, then from the state.
55 The State Board of Charities and Corrections shall devise
56 and keep a record, so far as obtainable, of the cost to each

57 town of caring for the children in the custody of said
58 state board.'

Sect. 4. Section 54, Chapter 64, Revised Statutes, is here-
2 by amended to read as follows:

'Sect. 54. When the State Board of Charities and Correc-
2 tions is able to find a suitable charitable institution or private
3 person who will consent to receive, support and educate any
4 child committed to it under the provisions of the preceding
5 section, said board shall forthwith notify the judge of probate
6 of the county in which the child was residing at the time of
7 the issuance of the order of temporary commitment to said
8 board, recommending the permanent commitment of such
9 child to such charitable institution or person; the judge of
10 probate shall order hearing not less than ten days' notice in
11 writing to be given, if their whereabouts are known, and if
12 not, by publication, to the various parties at interest, and if
13 upon hearing, it appears suitable and proper that such child
14 shall continue to be supported and educated away from its
15 parents or parent, and the judge or magistrate shall deem
16 the charitable institution or private person recommended by
17 the State Board of Charities and Corrections suitable, he
18 shall order the child into the care and custody of such char-
19 itable institution or person, provided that such institution or
20 person consents to receive, support and educate said child
21 and shall cause a copy of such order to be transmitted to
22 said state board. Such orders and decrees provided for in
23 this and the preceding section shall have the same effect to

24 divest the parents or parent of all legal rights in respect to
25 such child as specified in Section thirty-eight of Chapter
26 seventy-two, Revised Statutes, but such orders shall not ex-
27 tend beyond the time when the child arrives at the age of
28 twenty-one years if a male and eighteen years if a female,
29 and said State Board of Charities and Corrections, institution
30 or private person shall have full custody and control over
31 said child thereafter for said time, and when the permanent
32 order of commitment provided for in this section has been
33 given, shall have authority alone to give the consent required
34 in Section thirty-six of said Chapter 72.'

Sect. 5. Section 56, Chapter 64, Revised Statutes, is here-
2 by amended to read as follows:

'Sect. 56. Any child who shall come in any way under
2 the inspection or supervision of the State Board of Charities
3 and Corrections, or under the provisions of the last twelve
4 sections of this chapter, shall, when placed in a family, be
5 placed in a family of the same religious faith as that of the
6 parents or surviving parent of such child, where a suitable
7 family of such faith can be found willing to take such child.
8 Any written promise made by either parent shall be faith-
9 fully carried out by the State Board of Charities and Correc-
10 tions, its secretary and agents, or the institution concerned.
11 If such family can not be found, then such child shall be
12 placed in an institution maintained for children of such
13 faith. In case no institution of such faith exists in this state
14 or is able to take care of said child, then it may be placed in

15 such family or institution as may be approved by the State
16 Board of Charities and Corrections until such a family has
17 been secured; provided, however, that if the parents of such
18 child are of different religious faiths, or the faith of its par-
19 ents cannot for any reason be ascertained, then such child
20 shall be placed in a family or institution of that religious
21 faith in which such child has been reared and educated, but
22 where no such family or institution can be found to take such
23 child, then in some family or institution approved by said
24 board until such family or institution can be found. No
25 child when placed in any home or institution shall be denied
26 the opportunity of attending the religious worship or exer-
27 cising the religious belief of its parents or surviving parent
28 or in which it was reared and educated.'

Sect. 6. Section 57, Chapter 64, Revised Statutes, is
2 hereby amended to read as follows:

'Sect. 57. 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 in
4 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 in-
7 mate; provided further, that with the consent of the State
8 Board of Charities and Corrections children when in need of
9 medical or surgical treatment may be kept in hospitals or
10 infirmaries connected with such almshouses for such length
11 of time as they are in need of such treatment, provided also

12 that when upon a certificate of two physicians who are
13 graduates of some legally organized medical college and have
14 practiced three years in this state, it shall be made to appear
15 that any child is a proper subject for the State School for the
16 Feeble Minded, such child may with the consent of and
17 under such regulations as the State Board of Charities and
18 Corrections may determine, be kept in the almshouse until
19 such time as it can, under the provisions of Section 49,
20 Chapter 145, Revised Statutes, be committed to said school.
21 Whenever any child or children under sixteen years of age
22 are placed or allowed by the overseers of the poor to remain
23 in an almshouse, or in hospitals or infirmaries connected
24 therewith, notice of that fact, giving the name, parentage and
25 such other facts as the State Board of Charities and Cor-
26 rections may require, shall be sent by the overseers of the
27 poor to said board within forty-eight hours of the entrance
28 of such child into the almshouse, infirmary or hospital. A
29 similar notice within the same time shall be sent by the over-
30 seers of the poor to the said board when the child is dis-
31 charged from said almshouse, hospital or infirmary.'

Sect. 7. For the purpose of paying for the services and
2 expenses of agents employed by the State Board of Charities
3 and Corrections to carry out the provisions of the preceding
4 sections, there is hereby appropriated the sum of three thou-
5 sand dollars (\$3,000) for the year nineteen hundred seven-
6 teen, and the sum of four thousand five hundred dollars
7 (\$4,500) for the year nineteen hundred eighteen.

Sect. 8. Sections 49 and 50, Chapter 64, Revised Statutes
2 and all other acts and parts of acts inconsistent herewith are
3 hereby repealed.