

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 309

In Senate, March 13, 1917.

Reported by Mr. Fulton from Committee on State School for Boys, State School for Girls and Reformatory for Women and ordered printed under joint rules.

W. E. LAWRY, Secretary.

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 place

6 thereof the word "seventeen," so that said section as
7 amended shall read as follows:

'Sect. 3. When a boy between the ages of eleven and
2 seventeen years is convicted before any court or trial justice
3 having jurisdiction of the offense, of an offense punishable
4 by imprisonment in the state prison, not for life, or in the
5 county jail, or in any house of correction, such court or jus-
6 tice may order his commitment to the state school for boys or
7 sentence him to the punishment provided by law for the
8 same offense. If to said school, the commitment shall be
9 conditioned that if such boy is not received or kept there for
10 the full term of his minority, unless sooner discharged by the
11 trustees as provided in section six, or released on probation
12 as provided in section nine, he shall then suffer the punish-
13 ment provided by law, as aforesaid, as ordered by the court
14 or justice; but no boy shall be committed to said school who
15 is deaf and dumb, non compos, or insane.'

Sect. 2. Section 20 of Chapter 144 of the Revised Statutes
2 is hereby amended by striking out the word "six" in the
3 second line of said section, and inserting in the place thereof
4 the word 'nine,' and by striking out the word "sixteen" in the
5 second line of said section, and inserting in the place thereof
6 the word 'seventeen,' so that said section as amended shall
7 read as follows:

'Sect. 20. A parent or guardian of any girl between the
2 ages of nine and seventeen years, the municipal officers,
3 or any three respectable inhabitants of any city or town,

4 where she may be found, may complain in writing to the
5 judge of probate or any trial justice in the county, or to the
6 judge of the municipal or police court for such city or town,
7 alleging that she is leading an idle or vicious life, or has been
8 found in circumstances of manifest danger of falling into
9 habits of vice or immorality, and request that she may be
10 committed to the guardianship of the officers of said school.
11 The judge or justice shall appoint a time and place of hear-
12 ing, and order notice thereof to all persons entitled to be
13 heard, and at such time and place, may examine into the
14 truth of said allegations, and if satisfactory evidence thereof
15 is adduced, and it appears that the welfare of such girl re-
16 quires it, he may order her to be committed to the custody
17 and guardianship of the officers of said school during her
18 minority, unless sooner discharged by process of law. All
19 precepts issued in pursuance of this section may be executed
20 by any officer who may execute civil process; and the fees of
21 judges of municipal and police courts, trial justices and offi-
22 cers shall be the same as for similar services in civil cases,
23 and, when not otherwise provided for, shall be audited by
24 the county commissioners and paid from the county treas-
25 ury.'

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

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

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

13 ticing physician within the state certifying that the boy or
14 girl is feeble minded, and shall obtain from the Superintend-
15 ent of the said School for the Feeble Minded a certificate
16 stating in substance that such boy or girl will be received
17 under the provisions of section fifty-one of Chapter one
18 hundred and forty-five of the Revised Statutes. Then upon
19 the delivery of the boy or girl to the officers of the Maine
20 School for the Feeble Minded, together with the original
21 mittimus and certificates herein provided, it shall be the duty
22 of the officers of the Maine School for the Feeble Minded
23 to receive such boy or girl, and thereafter the Trustees of
24 Juvenile Institutions shall cease to have any authority over
25 such boy or girl, and the hospital trustees shall have the same
26 authority over said boy or girl as they would have if he or
27 she had been originally committed to the Maine School for
28 Feeble Minded.

Sect. 5. Any boy now under the guardianship of the State
2 School for Boys, or who may hereafter be committed there,
3 who is insane, or who, after his commitment, becomes in-
4 sane, or any girl now under the guardianship of the State
5 School for Girls, or who may hereafter be committed there,
6 who is insane, or who, after her commitment, becomes in-
7 sane, may be transferred by the Trustees of Juvenile Insti-
8 tutions to either of the State Hospitals for Insane. In such
9 event the Trustees of Juvenile Institutions, by their presi-
10 dent or secretary, shall endorse on the original mittimus the
11 fact that the boy or girl is insane and attach thereto a certifi-

12 cate from a regular practicing physician within the state,
13 certifying that the boy or girl is insane. Upon the delivery
14 of the boy or girl to the officers of either of the State Hos-
15 pitals for Insane, together with the original mittimus and
16 certificates herein provided, it shall be the duty of the offi-
17 cers or either of the State Hospitals for Insane to receive
18 such boy or girl, and thereafter the Trustees of Juvenile In-
19 stitutions shall cease to have any authority over such boy or
20 girl, and the hospital trustees shall have the same authority
21 over said boy or girl as they would have if he or she had
22 been originally committed to either of the State Hospitals
23 for Insane.

Sect. 6. Section 29 of Chapter 117 of the Revised Stat-
2 utes is hereby amended by striking out the words "one thou-
3 sand" in the second and third lines of said section, and in-
4 serting in the place thereof the words 'fifteen hundred,' so
5 that said section as amended shall read as follows: 'Section
6 29. The superintendent of the State School for Boys shall
7 receive an annual salary of fifteen hundred dollars.'

Sect. 7. Section 25 of Chapter 137 of the Revised Stat-
2 utes is hereby amended by striking out the words "or the
3 State School for Boys" in the second and third lines of said
4 section, and by striking out the words "and may not fix a
5 definite term in said State School for Boys" in the fourth
6 and fifth lines of said section, so that said section as
7 amended shall read as follows:

'Sect. 25. When any person shall be convicted of crime

2 the punishment for which prescribed by law, may be im-
3 prisonment in the state prison, the court imposing sentence,
4 shall not fix a definite term of imprisonment in said state
5 prison, but shall or may fix a minimum term of imprison-
6 ment, which shall not be less than six months in any case.
7 The judge shall at the time of pronouncing such sentence
8 recommend and state therein what, in his judgment, would
9 be a proper maximum penalty in the case at bar not exceed-
10 ing the maximum penalty provided by law, and the penalty
11 so stated shall be the maximum sentence in such case. He
12 shall before or at the time of passing such sentence ascer-
13 tain, by examination of such prisoner on oath, or otherwise,
14 and in addition to such oath, by such other evidence as can
15 be obtained, any facts tending to indicate briefly the cause
16 of the criminal character or conduct of such prisoner, which
17 facts, and such other facts as shall appear to be pertinent
18 in the case, he shall cause to be entered upon the minutes
19 of the court.'