

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 232

In Senate, March 19, 1919.

Reported by Mr. Deering from committee on Judiciary and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

STATE OF MAINE

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

AN ACT to Amend Sections forty-nine, fifty, fifty-one, fifty-three, fifty-four, fifty-five, fifty-nine, and sixty, and to repeal Section fifty-two of Chapter sixty-four of the Revised Statutes relating to the Protection of Children, as Amended by Chapter two hundred ninety-seven of the Public Laws of nineteen hundred seventeen.

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

Section 1. Sections forty-nine, fifty, fifty-one, fifty-three,
2 fifty-four, fifty-five, fifty-nine and sixty of chapter sixty-
3 four, revised statutes, as amended by chapter two hundred
4 ninety-seven, public laws of nineteen hundred seventeen are
5 hereby amended to read as follows:

‘Sect. 49. The state board of mother’s aid, as now or
2 hereafter constituted, under the provisions of chapter two
3 hundred twenty-two, public laws of nineteen hundred seven-
4 teen, and any acts amendatory thereof, is hereby constituted
5 a state board of children’s guardians, hereinafter referred to
6 as the state board, and in each city, town or plantation, the
7 municipal board of mother’s aid, as provided for in said
8 chapter two hundred twenty-two, and acts amendatory
9 thereof, is hereby constituted a municipal board of children’s
10 guardians, hereinafter referred to as the municipal board.

‘Sect. 50. County probation and associate probation officers
2 performing any of the duties specified in the following sec-
3 tions of this chapter shall be allowed, by their respective
4 counties, their actual expenses and such compensation as
5 their respective boards of county commissioners may from
6 time to time determine.

‘Sect. 51. All municipal boards, their agents and em-
2 ployees, all county probation officers and associate probation
3 officers, and the state board and its agents, so far as funds
4 are available, shall investigate all cases of cruel or injurious
5 treatment of children coming to their knowledge, and shall
6 cause offenders against any law for the protection of chil-
7 dren or prevention of cruelty to the same to be prosecuted.
8 The costs of court proceedings under this act shall be taxed
9 and paid in the same manner as in any criminal process.
10 All fines imposed for the punishment of offences under any
11 of the last twelve sections of this chapter shall be paid over to

12 the county treasurer of the county in which the offences may
13 have been committed.

‘Sect. 53. When complaint in writing signed by any agent
2 of the state board, sheriff, deputy sheriff, county probation
3 officer or associate probation officer, police officer, constable,
4 member or agent of a municipal board, or any officer or
5 agent of any society for the protection of children or pre-
6 vention of cruelty to children or by three or more citizens
7 of any town or city is made under oath to the probate court
8 of the county or the municipal or police court having juris-
9 diction in the said city or town, alleging that such child in
10 such city or town is cruelly treated or wilfully neglected by
11 its parents or parent or by the wilful failure of such parent
12 or parents is not provided with suitable food, clothing or
13 privileges of education or is kept at or allowed to frequent
14 any disorderly house, house of ill fame, gambling place, or
15 other place where intoxicating liquors are sold or other
16 places injurious to the health and morals, or that such child
17 is an orphan without means of support or kindred of
18 sufficient ability who will furnish such support, and praying
19 that suitable and proper provision be made for the care,
20 custody, support and education of the child named in such
21 complaint, the court to whom such complaint is made shall
22 issue a warrant causing the parents or other persons hav-
23 ing custody or control of such child, if any, and the child if
24 necessary to be brought before it, or shall cause notice to be
25 given to said parents or said other persons in such manner

26 or in such length of time as the court deems proper. The
27 court shall cause notice in writing to be given to the muni-
28 cipal board of the town where the child is residing at least
29 ten days before the date set for the hearing, provided,
30 however, that the municipal board may waive such no-
31 tice. If upon hearing it shall appear that any material al-
32 legations of said complaint are true, the court may order
33 said child into the custody of any suitable person or any
34 duly incorporated children's institution or child welfare or-
35 ganization consenting to receive same, whose standards of
36 care and maintenance are approved by the state board or
37 into the custody of the state board itself. The court shall
38 cause a copy of the order of commitment and of any sub-
39 sequent modifications thereof to be sent forthwith to the
40 state board. The court may direct the municipal board
41 where the child is residing to make such provision for its
42 care as may be necessary pending hearing and the expense,
43 if any, of such care shall be paid in the same manner as
44 provided in section fifty-five of this act for the care of
45 children committed to children's institutions or child wel-
46 fare organizations or the state board.

'Sect. 54. Orders and decrees provided for in the pre-
'2 ceding sections shall have the same effect to divest the pa-
3 rent or parents of all legal rights in respect to said child
4 as specified in section thirty-eight of chapter seventy-two,
5 revised statutes, but shall not relieve the parent or parents
6 of liability for the support of such child, or from the penal-

7 ties for failure to support which are provided in sections
8 thirty-eight, thirty-nine, forty and forty-one of chapter one
9 hundred twenty of the revised statutes. Such orders shall
10 not extend beyond the time when the child arrives at the
11 age of twenty-one years. The children's institution or or-
12 ganization or state board to which said child is committed
13 shall have full custody and control over said child there-
14 after for said time, and shall have authority to give the
15 consent required in section thirty-six of said chapter sev-
16 enty-two. An appeal may be taken from the order or de-
17 cree of any probate, municipal or police court determining
18 the custody of the child under the provisions of this act
19 to the next term of the supreme judicial court to be holden
20 within the county not earlier than fourteen days after the
21 signing of said order or decree, provided that in counties
22 having a superior court said appeal from any municipal
23 or police court shall lie solely to said superior court next
24 to be holden not earlier than fourteen days after the sign-
25 ing of said order or decree. The proceedings under such
26 appeal from a probate court shall follow the form pre-
27 scribed for appeal from probate courts and under such
28 appeal from a municipal or police court shall follow the
29 provisions of any special charter of the municipal or police
30 court concerned, but pending action upon any such appeal
31 the court may order the custody of the child to be retained
32 by said suitable person, children's institution or child wel-
33 fare organization or state board. Upon application by

34 the state board, by a municipal board, by the parents or
35 parent of any such child, or by the children's institution
36 or child welfare organization or suitable person to which
37 such child may have been committed to the court mak-
38 ing the commitment, said court shall examine into the con-
39 ditions and welfare of the said child, and may at any time
40 make such further order in relation to his care, custody,
41 support and education as justice may demand.

'Sect. 55. Whenever the court deems its suitable and
2 conducive to the public welfare that any such child be
3 placed under the control of an individual the court shall
4 first take a bond from such person running to the state
5 in such sum and with such sureties as the court approves,
6 conditioned that such person shall humanely treat and
7 properly support, clothe and educate the child, and in case
8 of non-performance of the conditions of said bond a suit
9 may be commenced thereon and the sum so recovered shall
10 be paid into the treasury of the state for the joint benefit
11 of the state and town of settlement, if any, of said child
12 in proportion to the amount of expense incurred by the
13 state and said town because of the failure of said person
14 so to treat, support, clothe and educate said child.

'The state board shall provide for the maintenance and
2 education in or by duly incorporated children's institu-
3 tions and child welfare organizations, where such are avail-
4 able, and otherwise direct in family homes, of any chil-
5 dren committed to its custody under the provisions of the

6 preceding sections. Bills itemizing the expense of main-
7 tenance and education of children committed under the
8 provisions of this chapter, when approved by the state
9 board and audited by the state auditor, shall be paid by
10 the treasurer of the state, who shall recover from the town
11 of settlement, if any, of any such child, one-half, but not
12 exceeding an average of two dollars per week, of any such
13 payments on account of said child. At the request of the
14 parents or next friend of any dependent child under six-
15 teen years of age who is without parent or grandparent of
16 sufficient ability, or without other relatives able and will-
17 ing to provide for its care, said request being approved
18 by the municipal board of the city or town where the child
19 is domiciled or by any duly incorporated children's insti-
20 tution or organization, the state board may make similar
21 provision, without intervention of court, for the care of
22 such child.

'No such child, nor the parents or grandparents of such
2 child who are unable to provide for its care, shall be deemed
3 paupers by reason of any care furnished to the child un-
4 der the provisions of this act.

'Sect. 59. Whenever a child is in the custody of any
2 children's institution or child's welfare organization or
3 suitable person or of the state board, the parents or either
4 of them may make application in writing to any justice
5 of the supreme judicial court to have its custody restored
6 to him or them, such notice on the application and the

7 time and place of the hearing thereon as the court orders,
8 shall be given to such person, institution or organization
9 or to the state board and to the municipal board of the
10 town where the proceedings therein were commenced; and
11 if, upon such hearing it appears that the applicant is of
12 sufficient ability and inclination suitably to provide for
13 maintenance and education of said child, and that justice
14 requires that its custody be restored to said applicant, the
15 judge shall so order, and the custody and control of said
16 child shall thereafter be given to said applicant until the
17 further order of the court.

‘Sect. 60. The state, any town or county incurring ex-
2 penses under sections fifty-one, fifty-three, fifty-four, fifty-
3 five and fifty-nine of this chapter, through the fault of
4 parents who are able to support and educate their children,
5 but wrongfully neglect and refuse to do so, may recover
6 of them or either of them, in an action of debt, the amount
7 so expended.’

Sect. 2. Section fifty and fifty-two of said chapter sixty-
2 four as amended and all other acts and parts of acts incon-
3 sistent herewith are hereby repealed.