

# MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

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HOUSE

NO. 96

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House of Representatives, Feb. 14, 1923.

Reported by Mr. Weeks from Committee on Judiciary and ordered recommitted.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Brewster of Dexter.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-THREE

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AN ACT to Amend Chapter One Hundred Forty-seven of the Revised Statutes, as Amended by Chapter Eighty, Public Laws of Nineteen Hundred Seventeen, Relating to State Board of Charities and Corrections.

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

Section 1. Section one of chapter one hundred forty-seven of the revised statutes is hereby amended by striking out all of said section and inserting in place thereof the following:

'Section 1. The governor with the advice and consent of the council shall appoint a commissioner of charities and corrections, who shall be qualified by special training and experience in charitable, correctional and institutional work,

5 and who shall hold his office for the term of three years  
6 and until his successor is appointed and qualified. Any  
7 vacancy occurring during a term shall be filled in like man-  
8 ner for the remainder of the unexpired term. He shall  
9 receive an annual salary of three thousand dollars, and his  
10 actual travelling expenses.'

Sect. 2. Section two of said chapter one hundred forty-  
2 seven, as amended by chapter eighty of the public laws of  
3 nineteen hundred nineteen, is hereby further amended by  
4 striking out all of said section and inserting in place thereof  
5 the following:

'Sect. 2. The commissioner, with the approval of the  
2 governor and council, shall appoint necessary agents and  
3 clerks and fix their duties and salaries.'

Sect. 3. Section three of said chapter is hereby amended  
2 by striking out in the first line of said section the word  
3 "board" and inserting in place thereof the word 'commis-  
4 sioner'; by striking out in the twelfth line the words "sec-  
5 retary of the board," and inserting in place thereof the  
6 word 'commissioner'; by striking out in the thirteenth line  
7 the word "board" and inserting in place thereof the word  
8 'commissioner'; by striking out in the fifteenth line the  
9 words "of the board," and inserting in place thereof the  
10 words 'of the commissioner'; by striking out in the nine-  
11 teenth line the words "board or its secretary," and insert-  
12 ing in place thereof the word 'commissioner'; by striking  
13 out in the twentieth line the word "board," and inserting  
14 in place thereof the word 'commissioner'; by striking out

15 in the twenty-first line the word "it," and inserting in place  
16 thereof the word 'he'; by striking out in the twenty-third  
17 line the words "board in its," and inserting in place there-  
18 of the words 'commissioner in his'; by striking out in the  
19 twenty-fifth line the word "its," and inserting in place there-  
20 of the word 'his'; by striking out in the twenty-sixth line  
21 the word "board" and inserting in place thereof the word  
22 'commissioner'; by striking out in the thirty-third line the  
23 word "board" and inserting in place thereof the word  
24 'commissioner,' and by striking out in the thirty-fifth line  
25 the word "board" and inserting in place thereof the word  
26 'commissioner,' so that said section as amended shall read  
27 as follows:

'Sect. 3. The commissioner shall investigate and inspect  
2 the whole system of public charities and correctional insti-  
3 tutions in this state and the work of any department of  
4 the same, examine into the condition and management of  
5 all prisons, jails, reform schools, industrial schools of a  
6 charitable or correctional nature, children's homes, hospi-  
7 tals, sanatoriums, almshouses, orphanages, hospitals for the  
8 insane, schools or homes for feeble minded and any and  
9 all other institutions of such nature which derive their  
10 support wholly or in part from state, county or municipal  
11 appropriations, but not including any institution of a purely  
12 educational or industrial nature; any private institution of  
13 a charitable or correctional nature may upon application  
14 and request in writing made to the commissioner, be in-

15 cluded in the list of institutions under the inspection of  
16 said commissioner, and become subject to the provisions  
17 of this chapter. The officers in charge of all institutions  
18 of a charitable or correctional nature under the inspection  
19 of the commissioner, and local boards or committees hav-  
20 ing any powers or duties relative to the management of  
21 the same, and those who are in any way responsible for  
22 the administration of public funds used for the relief or  
23 maintenance of the poor, shall furnish to the commissioner  
24 such information and statistics as may be demanded. The  
25 commissioner may prescribe such forms, not inconsistent  
26 with those otherwise prescribed by law, as he may deem  
27 necessary to secure uniformity and accuracy in the state-  
28 ments of the several institutions and officials reporting.  
29 The commissioner in his discretion, with the consent of  
30 the governor, may at any time make an investigation of  
31 the management of any charitable, reformatory, penal or  
32 other institution subject to his supervision; and when au-  
33 thorized by the governor and council, the commissioner  
34 shall in making such investigation have authority to sum-  
35 mons witnesses and demand the production of papers and  
36 documents material as evidence, and to compel the attend-  
37 ance of such witnesses and the production of such papers  
38 and documents by punishment for contempt in case of wil-  
39 ful failure, neglect or refusal to attend on the part of any  
40 person summoned as a witness, or to produce such papers  
41 or documents when ordered by the commissioner, and shall

42 have authority to administer oaths and affirmations; the  
43 report of such investigations, with the testimony and con-  
44 clusions of the commissioner, thereon, shall be made to the  
45 governor and council and may be submitted by them with  
46 their recommendation, to the legislature.'

Sect. 4. Section four of said chapter is hereby amended  
2 by striking out the word "board" in the first line and in-  
3 serting in place thereof the word 'commissioner'; by strik-  
4 ing out the words "a member of the board or by the sec-  
5 retary of the board" in the second and third lines and in-  
6 serting in place thereof the words 'the commissioner'; by  
7 striking out the word "board" in the third line and insert-  
8 ing in place thereof the word 'commissioner'; by striking out  
9 the words "visiting member or secretary" in the fifth line  
10 and inserting in place thereof the words 'commissioner or  
11 agent'; by striking out the words "board as a whole" in  
12 the seventh line and inserting in place thereof the word  
13 'commissioner'; by striking out the word "board" in two  
14 places in the eleventh line and inserting in place thereof  
15 the word 'commissioner'; by striking out the word "board"  
16 in the thirteenth line and inserting in place thereof the word  
17 'commissioner'; by striking out the word "board" in the  
18 fifteenth line and inserting in place thereof the word 'com-  
19 missioner'; by striking out the word "it" in the sixteenth  
20 line and inserting in place thereof the word 'he'; and by  
21 striking out the word "board" in the eighteenth line and

22 inserting in place thereof the word 'commissioner,' so that  
23 said section, as amended, shall read as follows:

'Sect. 4. Each institution under the inspection of the  
2 commissioner shall be visited at least once each year by  
3 the commissioner or an authorized agent employed by the  
4 commissioner for that purpose, and as much oftener as  
5 may be found expedient, and at such times said commis-  
6 sioner or agent shall consult with the officers of such institu-  
7 tions and make such recommendations and suggestions as to  
8 the management thereof as may seem advisable; the com-  
9 missioner shall, whenever it seems to be necessary, for-  
10 mally recommend to the trustees or boards of management  
11 of any such institution or of any department of public  
12 charities or corrections such course of action in the con-  
13 duct of said institution or department as the commissioner  
14 shall deem best. The commissioner shall also give to the  
15 governor, or governor and council, or to the legislature or  
16 any committee thereof, at any time upon their request, or  
17 when the commissioner shall deem it necessary, informa-  
18 tion and advice with reference to any charitable or cor-  
19 rectional institutions which the commissioner is required  
20 by this chapter to inspect or investigate, or as to which he  
21 is required to collect information or statistics; provided,  
22 however, that before any report shall be made by the com-  
23 missioner to the governor and council, or to the legislature,  
24 recommending any change in the policy or management of

25 any institution, reasonable notice thereof shall be given to  
26 the trustees or boards of management of the same.'

Sect. 5. Section five of said chapter is hereby amended  
2 by striking out the word "board" in the fifth, seventh, elev-  
3 enth and seventeenth lines and inserting in place thereof  
4 the word 'commissioner'; by striking out the word "their"  
5 in the eleventh line and inserting in place thereof the word  
6 'his,' and by striking out the word "its" in the seventeenth  
7 line and inserting in place thereof the word 'his,' so that  
8 said section as amended shall read as follows:

'Sect. 5. No person, firm, corporation or association shall  
2 solicit funds for charitable or benevolent purposes outside  
3 of the municipality where such person resides or where  
4 such firm, corporation or association has its place of busi-  
5 ness, without having in full force a written license there-  
6 for from the state commissioner of charities and correc-  
7 tions; provided, that this section shall not apply to any  
8 person or organization already under the supervision of  
9 said commissioner on the third day of July, nineteen hun-  
10 dred and fifteen, by virtue of the provisions of this chap-  
11 ter. No license shall be granted for a term exceeding one  
12 year. It shall state the name of the licensee, his residence  
13 or place of business, and for what purpose the funds are  
14 to be solicited. The commissioner shall grant such license  
15 whenever it shall be shown to his satisfaction that the per-  
16 son or organization requesting the license is reputable and  
17 responsible and has suitable facilities for applying the funds



18 to the purpose for which they are to be solicited, and that  
19 the records of such funds and the purpose for which they  
20 are used will be properly and accurately kept. Such license  
21 shall be furnished to the licensee without fee or charge, and  
22 may be revoked by the commissioner whenever in his dis-  
23 cretion it seems for the best interest of the public so to do.'

Sect. 6. Section six of said chapter is hereby amended  
2 by striking out the word "board" in the first and fourth  
3 lines and inserting in place thereof the word 'commissioner,'  
4 and by striking out the word "its" in the first line and  
5 inserting in place thereof the word 'his,' so that said section  
6 as amended shall read as follows:

'Sect. 6. The commissioner shall give his opinion as to  
2 advisability of the proposed organization and incorporation  
3 of all institutions of a charitable, eleemosynary, correctional  
4 or reformatory character which are or shall be subject to  
5 the supervision and inspection of the commissioner.'

Sect. 7. Section seven of said chapter is hereby amended  
2 by striking out the word "board" in the fourth and fifth  
3 lines and inserting in place thereof the word 'commissioner,'  
4 so that said section as amended shall read as follows:

'Sect. 7. All plans and specifications for new jails, work-  
2 houses, prisons, reformatories, children's homes, alms-  
3 houses, hospitals, or other similar institutions and buildings  
4 for charitable or correctional purposes, which are to be in  
5 any way under the inspection of the commissioner, shall be

6 submitted to the commissioner for criticism and suggestions  
7 before the same are accepted.'

Sect. 8. Section eight of said chapter is hereby amended  
2 by striking out the word "board" in the seventh and tenth  
3 lines, and inserting in place thereof the word 'commissioner,'  
4 so that said section as amended shall read as follows:

'Sect. 8. Overseers of the poor and all other officers  
2 having charge of the administration of pauper funds shall  
3 keep full and accurate records of the paupers fully sup-  
4 ported, the persons relieved and partially supported, and  
5 the travelers and vagrants lodged at the expense of their  
6 respective towns, together with the amount paid by them  
7 for such support and relief and shall annually make return  
8 of the number of such persons supported and relieved, with  
9 the cost, to the state commissioner of charities and correc-  
10 tions. From the returns made by the overseers of the poor  
11 or other officers responsible for the administration of pauper  
12 funds the commissioner shall prepare and print in its annual  
13 report a complete statement and table of all statistics and  
14 information thus obtained.'

Sect. 9. Section nine of said chapter as amended by  
2 chapter eighty of the public laws of nineteen hundred and  
3 seventeen, is hereby further amended by striking out all of  
4 said section and inserting in place thereof the following:

'Sect. 9. The commissioner shall in January, April, July  
2 and October of each year make a quarterly report to the  
3 governor, showing the actual condition of the various in-

stitutions under his supervision which have been inspected by the commissioner or agents during the preceding three months with suggestions and recommendations as he may deem necessary and advisable. The commissioner shall biennially on or before the first day of January in each year in which the legislature convenes, prepare and print for the use of the legislature, such a financial and statistical report of the various institutions under his supervision as the governor and council may order, and a statement of all expenses incurred and all officers and agents employed, for the two year period ending on the thirtieth day of June preceding, with such suggestions and recommendations as he may deem necessary or advisable.

Sect. 10. Section ten of said chapter is hereby repealed.

Sect. 11. Section eleven of said chapter is hereby numbered section ten and reads as follows:

‘Sect. 10. Whoever violates any provision of section five, or wilfully fails, neglects or refuses to perform any of the duties imposed upon him by the provisions of this chapter, shall be punished by fine of not more than five hundred dollars, or by imprisonment for not more than six months.’

Sect. 12. Section twelve of said chapter is hereby amended by striking out the word “board” in the third line and inserting in place thereof the word ‘commissioner,’ by striking out the word “its” in the third line and inserting in place thereof the word ‘his,’ and renumbered section eleven, so that said section as amended shall read as follows:

‘Sect. 11. The attorney general and the several county  
2 attorneys within their respective counties, when requested,  
3 shall furnish such legal assistance, counsel or advice as the  
4 commissioner may require in the discharge of his duties.’