

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 107

House of Representatives, Feb. 15, 1923.

Referred to Committee on Legal Affairs and five hundred copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Oakes of Portland.

STATE OF MAINE

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

AN ACT to Establish a Domestic Relations and Juvenile Court
in the County of Cumberland.

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

Section 1. Domestic relations and juvenile court to be
2 established at Portland; qualifications of justice. A do-
3 mestic relations and juvenile court is hereby established at
4 Portland within and for the county of Cumberland, con-
5 sisting of one justice, who shall be an inhabitant of said
6 county, of sobriety of manners and learned in the law; he
7 shall be appointed, commissioned and qualified according
8 to the constitution.

Sect. 2. Processes. Said justice shall establish a seal for

2 said court; and all processes issuing therefrom shall be in
3 the name of the state, of the usual forms, bearing the teste
4 of said justice, under the seal of said court, and shall be
5 signed by its clerk, and shall be made returnable in said
6 court; they shall be obeyed and executed throughout the
7 state.

Sect. 3. Jurisdiction. Within said county said domestic
2 relations and juvenile court shall have exclusive jurisdic-
3 tion of all proceedings for judicial separation of husband
4 and wife, all libels of divorce and all property rights inci-
5 dent thereto; of all minor children of parents judicially
6 separated or divorced and of all children charged with be-
7 ing delinquent, which jurisdiction once obtained may be
8 retained until such child shall have reached the age of twen-
9 ty-one years; and said court shall have concurrent juris-
10 diction of all persons charged with being responsible for
11 or by any act guilty of encouraging, causing or contributing
12 to the delinquency of any such child.

A delinquent child within the meaning of this act is a boy
2 or girl under the age of seventeen years who is guilty of
3 violation of any law or ordinance except the committing
4 of murder or manslaughter or attempting to commit same,
5 who is incorrigible or who is an habitual truant from school.

Said court shall have power and is hereby authorized to
2 defer sentence in its discretion in the case of any juvenile
3 offender under the age of seventeen years and parole such
4 child under the care of a probation officer for the county

5 of Cumberland, of any suitable citizen of the community,
6 who shall serve without pay, or of the court itself, for a
7 probation period discretionary with the court, at the end
8 of which term said child shall be returned to said court for
9 sentence or dismissal; such paroled child shall, in any event,
10 remain under the jurisdiction of said court for the period
11 of probation and shall be subject to such reasonable rules
12 and regulations touching the welfare of the child as the
13 court may prescribe. In case such paroled child shall fail
14 to keep or disregard the terms of his or her parole said
15 court shall have full power to cause such child to be brought
16 before it for further procedure.

Sect. 4. Persons causing delinquency. In all cases where
2 any child shall be found to be a delinquent child, as defined
3 in this act, the parent or parents, legal guardian, or per-
4 son having the custody of such child, or any other person
5 responsible for or by any act encouraging, causing, or con-
6 tributing to the delinquency of such child, shall be guilty
7 of a misdemeanor, and upon trial and conviction thereof
8 shall be fined in a sum not exceeding two hundred dollars
9 or imprisoned in the county jail for a period not exceeding
10 three months, or by both such fine and imprisonment. The
11 court may impose conditions upon any person found guilty
12 under this act, and as long as such person shall comply
13 therewith to the satisfaction of the court the sentence im-
14 posed may be suspended.

Sect. 5. Terms. Said court shall be held on the first

2 Tuesday of January, February, March, April, May, Sep-
3 tember, October, November and December for matters per-
4 taining to judicial separation and divorce and on the first
5 Tuesday of every month for matters pertaining to delin-
6 quent children. Traverse jurors may be drawn at the Sep-
7 tember, January and May terms thereof.

Sect. 6. First term of said court; transfer of actions from
2 other courts. The first term of said court shall be held on
3 the first Tuesday of September, nineteen hundred twenty-
4 three. At any term of the supreme judicial court, the su-
5 perior court, the probate court or any municipal court or
6 trial justice held after this act shall take effect, any action
7 pending therein which would fall within the exclusive juris-
8 diction of said domestic relations and juvenile court as here-
9 inbefore defined and established, with all papers belonging
10 thereto and orders and decrees thereon may, on motion of
11 either party, be transferred from the docket of said courts
12 to the docket of said domestic relations and juvenile court
13 and entered and tried and have day therein as if it had
14 been originally commenced therein. And upon taking effect
15 of this act, the jurisdiction of all other courts in said county
16 shall be limited in conformity with the foregoing provisions,
17 and all acts relating to courts and judicial proceedings shall
18 be modified so far as to give full effect to this act, and all
19 acts and parts of acts inconsistent with this act are hereby
20 repealed.

Sect. 7. Procedure. Process for the attendance of de-

2 linquent children shall be by summons, and proceedings shall
3 be informal except upon motion of the respondent, and may
4 be private; other processes shall conform to the general
5 statutes as provided.

Sect. 8. Salary of justice and date of appointment. The
2 justice of said domestic relations and juvenile court may
3 be appointed, commissioned and qualified at any time after
4 this act shall take effect, and his salary shall be three thou-
5 sand dollars annually. He shall be entitled to receive the
6 same from the treasury of the state in quarterly payments,
7 on the first days of January, April, July and October.

Sect. 9. Stenographer, salary and duties. The justice of
2 said court may appoint a stenographer to report the pro-
3 ceedings thereof, who shall be an officer of the court and
4 be sworn to a faithful discharge of his duty and who shall
5 perform the duties prescribed and be subject to the pro-
6 visions of the revised statutes, chapter eighty-seven, sec-
7 tions one hundred and sixty-seven to one hundred seventy-
8 two, inclusive, so far as the same may be applicable. The
9 salary of said stenographer shall be eighteen hundred dol-
10 lars annually, to be paid quarterly from the treasury of the
11 county.

Sect. 10. Clerk; deputy clerk; vacancies. The clerk for
2 the time being of the supreme judicial court is also clerk
3 of the domestic relations and juvenile court thereof. He
4 shall appoint a deputy approved by the justice of such do-
5 mestic relations and juvenile court, who shall act as clerk

6 thereof whenever said court and the supreme judicial court
7 are both in session in such county. And whenever said
8 clerk of the supreme judicial court is absent, or the office
9 is vacant, such justice may appoint a clerk for his court
10 during such absence, or until an appointment is made by
11 the governor and council, or by the supreme judicial court.

Sect. 11. Deputy sheriff to attend court. The sheriff
2 shall specially designate a deputy approved by the justice
3 of the domestic relations and juvenile court to attend said
4 court and whenever it happens that such justice is pre-
5 vented from attending at the time and place at which such
6 court by law or by adjournment ought to be held, said
7 deputy shall, by oral proclamation, adjourn said court from
8 day to day, until such justice attends.

Sect. 12. Jury trials. Jury trial may be had in actions
2 of judicial separation and on libels for divorce if either
3 party requests the same in writing filed with the clerk on
4 or before the return day of the process. In all cases of
5 delinquent children or persons charged with the respon-
6 sibility of encouraging, causing, or contributing to the de-
7 linquency of any such child, a jury trial may be had on
8 motion of the respondent filed with the clerk on or before
9 the return day of the process and in any matter a jury trial
10 may be ordered by the court.

Sect. 13. Certain sections of the revised statutes relative
2 to superior courts applicable as modified. Sections ninety-
3, three, ninety-five, ninety-six, ninety-seven, and one hundred

4 of chapter eighty-two of the revised statutes relative to the
5 superior courts are hereby made applicable to said domes-
6 tic relations and juvenile court except as herein modified.

Sect. 14. Vacancy and disqualification of judge. When-
2 ever the judge of the domestic relations and juvenile court
3 by reason of illness, death or other cause is prevented from
4 holding his court, any justice of a superior court or any
5 justice of the supreme judicial court by order of the chief
6 justice may hold the same. During a vacancy in the office
7 of the justice of the domestic relations and juvenile court,
8 all writs issued from the clerk's office thereof shall bear
9 the teste of any one of the justices of the superior court
10 or of the supreme judicial court. Whenever the justice of
11 said court is disqualified by interest, relationship or other
12 lawful cause from trying any case pending in his said court,
13 said case shall be heard and disposed of by a justice of the
14 superior court or supreme judicial court in the same man-
15 ner as when the justice of the domestic relations and juve-
16 nile court is prevented from holding his court by illness,
17 death or other cause.