

MAINE STATE LEGISLATURE

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Sec of State

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 80

In Senate, Feb. 9, 1923.

Referred to Committee on Legal Affairs, sent down for concurrence and 500 copies ordered printed.

L. ERNEST THORNTON, Secretary.

Presented by Senator Cram of Cumberland.

STATE OF MAINE

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

AN ACT to Be Known as the Children's Act, Relating to Children Who Are Now or May Hereafter Become Dependent, Neglected or Delinquent, to Establish a Special Equity Juvenile Court to Provide for the Treatment, Control, Maintenance, Adoption and Guardianship of the Person of Said Children.

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

Section 1. (A) All persons under the age of twenty-
2 one years shall, for the purposes of this act only, be con-
3 sidered wards of this state, and their person shall be sub-
4 ject to the care, guardianship and control of the juvenile
5 court as hereinafter provided.

(B) For the purpose of this act, the words "dependent child" and "neglected child" shall mean any male child who, while under the age of sixteen years, or any female child, who, under the age of seventeen years, for any reason is destitute, homeless or abandoned, or dependent upon the public for support, or has not the proper parental care or guardianship; or habitually begs or receives alms; or is found living in any house of ill fame, or with any vicious or disreputable person; or has a home which, by reason of neglect, cruelty or depravity on the part of its parents, guardian, or any other person in whose care it may be, is an unfit place for such a child, and any child, who, while under the age of ten years is found begging, selling or peddling any articles, or singing or playing any musical instrument for gain upon the street, or is used in aid of any person so doing.

(C) The words "delinquent child" shall mean any male child who, under the age of sixteen years, or any female child, who, under the age of seventeen years, violates any law of this state; or is incorrigible, or knowingly associates with thieves, vicious or immoral persons; or without just cause, and without the consent of its parents, guardian or custodian, absents itself from its home or place of abode, or is growing up in idleness or crime; or knowingly frequents a house of ill repute; or knowingly frequents any policy shop or place where any gaming device is operated; or frequents any saloon or dram shop where intoxi-

12 eating liquors are sold; or patronizes or visits any public
13 pool room or bucket shop; or wanders about the street in
14 the night time without being on any lawful business or law-
15 ful occupation, or habitually wanders about any railroad
16 yard or tracks; or jumps or attempts to jump into any mov-
17 ing train; or enters any cab or engine without lawful au-
18 thority; or uses vile, obscene, vulgar, profane or indecent
19 language in any public place or about any school house; or
20 is guilty of indecent, lascivious conduct. Any child com-
21 mitting any of these acts shall be cared for in the manner
22 hereinafter provided.

(D) A disposition of any child under this act, or the
2 evidence given in such cause, shall not be in any civil, crim-
3 inal, or other cause or proceeding whatsoever in any court,
4 be lawful or proper evidence against any such child for any
5 purpose whatsoever, except in subsequent case against the
6 same child under this act. The word "child" or "children"
7 may be held to mean one or more children, and the word
8 "parent" or "parents" may be held to mean one or both par-
9 ents when consistent with the intent of this act. The word
10 "association" shall include any association, institution or
11 corporation which includes in its purposes the care or dis-
12 position of children coming within the meaning of this act.

Sect. 2. (A) There is hereby created a special equity
2 court to be known as the juvenile court of the State of
3 Maine. This court shall have jurisdiction relating to the
4 custody, detention, treatment, control, guardianship, mainte-

5 nance of the person, and care of all dependent, neglected or
6 delinquent children, such dependent, neglected or delinquent
7 children being such by their own acts or by the acts or omis-
8 sion of acts of others.

(B) The Governor, by and with the consent of his coun-
2 cil, shall appoint one juvenile court judge in like manner
3 and for the same term as supreme court justices are ap-
4 pointed. Said judge shall preside over the said juvenile
5 court at regular or special terms of said court to be held
6 in the counties of Cumberland, York, Androscoggin, Ken-
7 nebec and Sagadahoc, having his headquarters in Portland,
8 in said county of Cumberland. Said judge shall hold office
9 until his successor is appointed and qualified.

(C) There shall be appointed an assistant judge for each
2 of the five counties named in the preceding paragraph, for
3 the same term, who shall serve when called upon, without
4 pay from the state.

(D) Vacancies in the office of judge and assistant judge
2 of said juvenile court shall be filled as in cases of vacan-
3 cies of office of justices of the supreme court of Maine.
4 No person shall be appointed judge of the juvenile court
5 holding any other public office except that of justice of
6 the peace or notary public, or who is not a citizen of the
7 state of Maine.

(E) The judge of the juvenile court of the state of
2 Maine shall be subject to retirement or removal under the
3 same law as governs the justices of the supreme judicial
4 court, and under the same conditions.

(F) The probate courts of the several counties in this
2 state shall have original and exclusive jurisdiction in all
3 cases coming within the terms of this act, except in those
4 counties where special juvenile courts are established or
5 holds regular terms presided over by the justice appointed
6 by the governor, said special juvenile court holding the
7 original and exclusive jurisdiction in those counties.

(G) Such probate courts, acting as juvenile courts, and
2 such special juvenile courts shall be the special equity juve-
3 nile court and be known as the juvenile court of the state
4 of Maine.

(H) The registers of the probate courts for the several
2 counties and the county clerks of each county where a
3 special equity court may be established or hold terms, shall
4 be, ex-officio, clerks of the juvenile court of each county,
5 and shall keep a register of the proceedings of said court
6 in a book to be known as the juvenile court register. All
7 petitions bringing infants before the juvenile court shall
8 be filed with the chief deputy guardian or any other per-
9 son, with the register or clerk in the county in which the
10 child petitioned for resides.

Sect. 4. The judge of said juvenile court shall receive
2 a salary of four thousand dollars per annum, to be paid
3 by the state in like manner as supreme court justices' sala-
4 ries are paid, and he shall receive no other compensation
5 whatsoever for his services as said judge, save the salary
6 herein provided, except in case of necessary travel and ex-

7 pense for the proper discharge of his duties; his bill there-
8 for, not exceeding one thousand dollars in any one year,
9 authenticated and approved, shall be paid from the state
10 treasury.

Sect. 5. If any person appointed judge of said juvenile
2 court shall fail to qualify within thirty days after his ap-
3 pointment, the office shall be deemed vacant and a succes-
4 sor shall be appointed by the governor, as stated in section
5 three. Before the judge or assistant judge shall enter upon
6 the duties of his office he shall qualify by taking the official
7 oath prescribed for supreme court justices of the state of
8 Maine.

Sect. 6. In all proceedings before the juvenile court where
2 the rights of parents, parent, guardian, or custodian are
3 asserted for determination, a stenographic report of the
4 proceedings shall be kept and preserved. The judge of said
5 court shall appoint a reporter for said court, who shall
6 be paid at the rate of five dollars per day while actually
7 on duty. The provisions of the law relating to stenog-
8 raphers in the superior and supreme court in Maine shall
9 govern stenographers in the juvenile court.

Sect. 7. County attorneys of the various counties where
2 the terms of the special juvenile court are held, shall be
3 attorneys in the juvenile court when called upon by the
4 judge thereof.

Sect. 8. In every county of the state, where there is or
2 may be appointed a probation officer, the said probation

3 officer for the purposes of this act shall be known as the
4 chief guardian. The judge of the juvenile court may ap-
5 point any discreet person of good moral character to serve
6 as deputy guardian without pay from county or state. In
7 cities of from four to twenty thousand inhabitants, there
8 may be one deputy guardian, who shall be appointed by
9 the judge of the juvenile court. In cities of over twenty
10 thousand inhabitants there may be appointed by said judge
11 a deputy guardian for every additional twenty thousand
12 inhabitants or fraction thereof. Provided, however, that
13 if the municipalities prefer, they may appoint their own
14 deputy guardian, on recommendation of the said judge, and
15 the salary of the said deputy guardian shall be fixed and
16 allowed by said municipalities.

The duties of the chief guardian, or any deputy guardian,
2 in his stead, shall be as follows:

(a) He shall investigate all cases of alleged juvenile de-
2 linquency or dependency coming to his knowledge, or in
3 any way brought to his attention in the county or city for
4 which he is appointed or elected;

(b) To make petition before the juvenile court of any
2 case of juvenile distress coming to his knowledge;

(c) To bring before the court, at the time fixed for hear-
2 ing, any juvenile, the parent, parents, guardian or next friend
3 in whose behalf the petition is filed;

(d) To serve notices hereinafter provided to be served,
2 or which may be issued by the court;

(e) To make investigation of every case coming before

2 the court and to report to the court whenever required the
3 result of such investigation;

(f) To be present in court to represent the interests of
2 the child when the same is heard;

(g) To furnish information and assistance to the court
2 whenever required, and to take charge of any child, both
3 before and after the hearing, as may be directed by the
4 court;

(h) To exercise a friendly supervision over the child in
2 accordance with the direction of the court;

(i) To act for the state in filing of complaints and con-
2 ducting proceedings against persons guilty of contributing
3 to the distress of infants, and for these purposes the chief
4 guardians and their deputies are empowered to approve the
5 issuance of warrants on any complaints filed in the juvenile
6 court.

(j) To have charge of any child in whose behalf a peti-
2 tion has been filed pending examination in the juvenile court.
3 Provided, however, that no child coming under the mean-
4 ing of this act, shall be incarcerated in any common jail or
5 lock-up, except that such child may be placed in detention
6 in a suitable room or rooms which may be provided by the
7 county or municipality.

Sect. 9. Such court, or the judge thereof, shall have full
2 power and authority to maintain order and decorum in his
3 court, and the said juvenile court shall have a seal, bearing
4 on the face thereof, "Juvenile Court of the State of Maine,
5 1923."

Sect. 10. (A) The juvenile court is hereby given con-
2 current jurisdiction with trial justices, municipal and su-
3 perior courts, to hear under common law, all cases of mis-
4 demeanor of adults where the charge is for the contributing
5 to the dependency or delinquency of children.

(B) In all cases where the delinquency of the child would
2 otherwise constitute a felony, the juvenile court judge where
3 he deems it necessary, may certify the case to any court
4 of proper jurisdiction.

(C) Any parent, legal guardian or person having the
2 custody of any child, or any other person responsible for,
3 or by any act encouraging, causing or contributing to the
4 delinquency of said child, shall be deemed a contributory
5 delinquent, and any person guilty thereof shall be deemed
6 guilty of a misdemeanor and upon conviction may be fined
7 a sum not to exceed one thousand dollars or imprisonment
8 in the county jail for a period not exceeding one year, or
9 both said fine and imprisonment.

(D) The court shall be convened at such places and at
2 such times as may be determined by the judge. It shall
3 be the duty of the board of county commissioners to pro-
4 vide a suitable place in their several counties for holding
5 terms of said court, and such necessary supplies for the
6 conduct and maintenance of such court as may be required ;
7 the blanks and printing for said court shall be supplied at
8 state expense under the direction of the judge of said court.

Sect. 11. An appeal may be taken from the final decision

2 or judgment of the juvenile court by the parents, parent,
3 guardian, or custodian of said infant who has been deprived
4 of its custody, to the supreme court of the state of Maine,
5 in the same manner as is now provided by law for the
6 taking of appeals from judgments in the superior courts.
7 Provided, however, that notice of appeal shall be served
8 upon the county attorney in the county where the case was
9 heard and upon the judge of the juvenile court.

Sect. 12. On or before the first day of August of each
2 year, the judge of the juvenile court, shall, with the assist-
3 ance of the chief guardians and their deputies, make a writ-
4 ten report to the governor and council, showing the num-
5 ber and disposition of children brought before the court
6 during the year ending June thirtieth, of that year. And
7 such report shall contain such other useful information re-
8 garding the cases as shall be deemed important or of value,
9 including the facts in connection with the parentage of such
10 children, providing the identity of any child or parent may
11 not be disclosed, and that said report shall be published at
12 the state's expense.

Sect. 13. (A) Any reputable person being a resident of
2 the county, may file with the register or county clerk a
3 petition in writing setting forth that a certain child, naming
4 it, within the county, not then an inmate of a state institution
5 incorporated under the laws of this state, is either de-
6 pendent, neglected or delinquent, as defined in section one
7 hereof; and that it is for the interest of the child and this

8 state that the child be taken from its parents, parent,
9 guardian or custodian and placed under the guardianship of
10 some suitable person, to be appointed by the court, and that
11 the parents, parent, guardian or custodian are unfit, or im-
12 proper or unable or unwilling to care for, protect, train,
13 educate, control or discipline such child, or that the parents,
14 parent, guardian or custodian consents that such child be
15 taken from them.

(B) The petition shall set forth either the name, or that
2 the name is unknown to the petitioner—(a) of the person
3 having the custody of the child; and (b) of each of the
4 parents, or the surviving parent of a legitimate child; or of
5 the mother of an illegitimate child; or (c) if it allege that
6 both such parents are, or said mother is, dead, then of the
7 guardians, if any, of such child; (d) if it allege that both
8 such parents are, or if such mother is, dead, and that no
9 guardian is known for such child, then of a near relative
10 or that none such is known to the petitioner. The petition
11 shall also state the residences of such parties so far as the
12 same are known to such petitioners.

(C) All persons thus named in such petition shall be
2 made defendants by name and shall be notified of such pro-
3 ceedings by summons, if residents of this state, in the same
4 manner as is now or may be hereafter required in equity
5 proceedings by the laws of this state, except as herein other-
6 wise provided.

(D) All persons, if any, who are named in such petition,
2 or whose names are stated in such petition to be unknown

3 to the petitioner, shall be deemed and taken as defendants
4 by the name or designation of "all whom it may concern."
5 The petition shall be verified by affidavit, which affidavit
6 shall be sufficient upon information and belief. Processes
7 shall be issued against all persons made parties by the desig-
8 nation of "all whom it may concern," by such description
9 and notice given by publication, as is required in this act,
10 shall be sufficient to authorize the court to hear and deter-
11 mine the cause as though the parties had been sued by their
12 proper names.

Sect. 14. (A) The summons shall require the person
2 alleged to have the custody of said child, to appear with
3 the child at the time and place stated in the summons; and
4 shall also require all the defendants to be and appear and
5 answer the petition on the return day of the summons. The
6 summons shall be made returnable at any time within
7 twenty days after the date thereof, and may be served by
8 the sheriff, deputy sheriff, or by any duly appointed proba-
9 tion officer, even though such officer be the petitioner. The
10 return of such summons with endorsement of service in
11 accordance herewith shall be sufficient proof thereof.

(B) Whenever it shall appear from the petition or from
2 affidavit filed in a cause that any named defendant resides,
3 or hath gone, out of the state, or on due inquiry cannot be
4 found, or is concealed within this state, or that his place
5 of residence is unknown, so that process cannot be served
6 upon him, or whenever any person is made defendant under

6 this act, shall be the only publication notice required either
7 in case of the residents, non-residents or otherwise. The
8 certificate of the clerk that he has sent such notice in pur-
9 suance of this section shall be evidence thereof. Every
10 defendant who shall be duly summoned shall be held to
11 appear and answer either orally in open court on the return
12 day of the summons, or if such summons shall be served
13 less than one day prior to the return day, then on the fol-
14 lowing day. Every defendant who shall be notified by
15 publication, as herein provided, shall be held to appear and
16 to answer either in writing or orally in open court, within
17 twenty days after the publication notice. The answer shall
18 have no greater weight as evidence than the petition. In
19 default of an answer at the time or times herein specified, or
20 at such further time as by order of court may be granted
21 to a defendant, the petition may be taken as confessed.

(D) If the person having the custody or control of the
2 child shall fail without reasonable cause to bring the child
3 into court, he may be proceeded against as in case of con-
4 tempt of court. In case the summons shall be returned and
5 not served upon the person having the custody or control
6 of such child, or such person fails to obey the same and in
7 any case when it shall be made to appear to the court by
8 affidavit, which may be on information and belief, that
9 such summons will be ineffectual to secure the presence of
10 the child, a warrant may be issued on the order of the
11 court, either against the parents, or either of them, the

12 guardian or the person having the custody or control of
13 the child, or with whom the child may be, or against the
14 child itself, to bring such person into court.

(E) On default of the custodian of the child or on his
2 appearance or answer, or on the appearance of the child
3 in person in court, with or without the summons or other
4 process, and on the answer, default or appearance or writ-
5 ten consent to the proceedings of the other defendants
6 thereto, or as soon thereafter as may be, the court shall
7 proceed to hear evidence. At any time after filing of the
8 petition and pending the final disposition of the case, the
9 court may continue the hearing from time to time and may
10 allow such child to remain in the possession of its custodian
11 or in its own home subject to the friendly visitation of the
12 chief or deputy guardian or of any other suitable person
13 appointed by the court, or to be kept in some suitable place
14 provided by the city or county authorities.

Sect. 15. (A) If the court shall find any male child
2 under the age of sixteen years, or any female child under
3 the age of seventeen years, to be dependent or neglected
4 within the meaning of this act, the court may allow the
5 child to remain at its own home subject to the friendly
6 visitation of a chief or deputy guardian. And if parents,
7 parent, guardian or custodian consent thereto, or if the
8 court shall further find the parents, parent, guardian or
9 custodian of such child to be unfit or improper guardians
10 or to be unable or unwilling to care for, protect, train, edu-

11 cate and discipline such child, and that it is for the interest
12 of such child and of the people of this state that such child
13 be taken from the custody of such unfit or improper parents,
14 parent, guardian or custodian, the court may make an
15 order appointing as guardian of the person of the child
16 some reputable citizen of good moral character and order
17 such guardian to place such child in some suitable family
18 home or other suitable place, which such guardian may
19 provide for such child, or the court may enter an order
20 committing the child to some suitable state institution, or-
21 ganized for the care of dependent or neglected children, or
22 to some training school or to some association embracing in
23 its objects the purpose of caring for or obtaining homes for
24 neglected or dependent children.

(B) When a child in the jurisdiction of said court and
2 under the provisions of this act, appears to the court to be
3 in need of medical care, the court may cause such child
4 to be examined by any health officer within the jurisdiction
5 of the court, or by any duly licensed physician, and if it be
6 found necessary, a suitable order may be made for the treat-
7 ment of said child in a hospital, and the expense thereof,
8 together with said examination, shall be a county charge
9 and the county may recover said expense in an action of
10 debt from the person or persons liable for the furnishing
11 of necessities of said child.

Sect. 16. (A) In every case where such child is com-
2 mitted to an institution or association, the court shall ap-

3 point the president, secretary or superintendent of such in-
4 stitution or association, deputy guardian over the person of
5 such child, and shall order such guardian to place such child
6 in such institution or association whereof he is such officer,
7 and to hold such child, care for, train and educate it subject
8 to the rules and laws that may be in force from time to time
9 governing such institution or association.

(B) If the court shall find any male child under the age
2 of sixteen years or any female child under the age of
3 seventeen years to be delirquent within the meaning of this
4 act, the court may allow such child to remain at its own
5 home subject to the friendly visitation of a chief or deputy
6 guardian, such child to report to such officer as often as
7 may be required, and if the parents, parent, guardian or
8 custodian are unfit or improper guardians or are unable or
9 unwilling to care for, protect, educate or discipline such
10 child, and shall further find that it is for the interest of said
11 child and the people of this state that such child be taken
12 from the custody of its parents, parent, guardian or cus-
13 todian, the court may appoint some suitable person or pro-
14 bation officer, guardian over the person of such child and
15 permit it to remain at its home, or order such guardian to
16 cause such child to be placed in a suitable family home, or
17 cause it to be boarded out in some suitable family home, in
18 case provision is made by voluntary contribution or other-
19 wise for the payment of the board; or the court may com-
20 mit the child to some training school for boys, if a male

21 child, or to an industrial school for girls, if a female child,
22 or to any institution incorporated under the laws of this
23 state to care for delinquent children, or to some association
24 that will receive it, embracing in its objects the care of
25 neglected, dependent or delinquent children. In every case
26 where a child is committed to an institution or association,
27 the court shall appoint the president, secretary or superin-
28 tendent of such institution or association deputy guardian
29 over the person of such child in such institution or with
30 such association, whereof he is such officer, and to hold
31 such child care for, train, and educate it subject to the
32 rules and laws that may be in force, from time to time,
33 governing such institution or association.

(C) The court may, in its discretion, in any case of a
2 delinquent child, permit such child to be proceeded against
3 in accordance with the laws that may be in force in this
4 state governing the commission of crimes or violations of
5 city or town or village ordinance. In such case the petition
6 filed under this act shall be dismissed.

Sect. 17. (A) Any child found to be dependent, neg-
2 lected or delinquent, as defined in this act and awarded by
3 the court to a guardian, institution or association, shall be
4 held by such guardian, institution or association, as the case
5 may be, by virtue of the order entered of record in such
6 case, and the clerk of the court shall issue and cause to be
7 delivered to such guardian, institution or association, a certi-
8 fied copy of such order of the court, which certified copy of

9 such order shall be proof of the authority of such guardian,
10 institution or association, in behalf of such child, and no
11 other process need issue to warrant the keeping of such
12 child. The guardianship under this act shall continue until
13 the court shall, by further order, otherwise direct, but not
14 after the child shall have reached the age of twenty-one
15 (21) years. Such child, or any person interested in such
16 child, may, from time to time, upon a proper showing,
17 apply to the court for the appointment of a new guardian
18 or the restoration of such child to the custody of its parents
19 or for the discharge of the guardian so appointed.

(B) Whenever it shall appear to the court, before or
2 after the appointment of a deputy guardian under this act,
3 that the home of the child or of its parents, parent, guardian
4 or custodian, is a suitable place for such child and that such
5 child could be permitted to remain or ordered to be re-
6 turned to said home, consistent with the public good and
7 the good of such child, the court may enter an order to that
8 effect, returning such child to its home under probation,
9 parole or otherwise; it being the intention of this act that
10 no child shall be taken away or kept out of its home or
11 away from its parents or guardian any longer than is
12 reasonably necessary to preserve the welfare of such child
13 and the interest of this state. Provided however, that no
14 such order shall be entered without first giving ten days'
15 notice to the deputy guardian, institution or association to
16 whose care such child has been committed, unless such
17 guardian, institution or association consents to such order.

(C) The court may, from time to time, cite into court
2 the chief or deputy guardian, institution or association, to
3 whose care any dependent, neglected or delinquent child has
4 been awarded and require him or it to make a full true and
5 perfect report as to his or its doings in behalf of such child,
6 and it shall be the duty of such chief or deputy guardian,
7 institution or association, within ten days after such citation,
8 to make such report, either in writing verified by affidavit,
9 or verbally under oath in open court, or otherwise as the
10 court shall direct; and upon the hearing of such report,
11 with or without further evidence, the court may, if it sees
12 fit, remove such deputy guardian and appoint another in
13 his stead, or take such child away from such institution or
14 association and place it in another, or restore such child to
15 the custody of its parents, parent, former guardian or cus-
16 todian.

Sect. 18. When, in any county, where a child is held, as
2 provided in section three of this act, a male child under the
3 age of sixteen years or a female child under the age of
4 seventeen years, is arrested with or without warrant, such
5 child may, instead of being taken before a trial justice or
6 police magistrate, be taken directly before the juvenile
7 court, or if the child is taken before a trial justice, munici-
8 pal court or police magistrate, it shall be the duty of that
9 officer to transfer the case to such juvenile court, and the
10 officer having the child in charge to take such child before
11 such juvenile court, and in any case the juvenile court may

12 proceed to hear and dispose of the case in the same manner
13 as if the child had been brought before the juvenile court
14 upon petition as herein provided. In any case the juvenile
15 court will require notice to be given and investigation to be
16 made as in other cases under this act, and may adjourn
17 the hearing from time to time for that purpose.

Sect. 19. (A) No court or police magistrate shall com-
2 mit a child under fourteen years of age to a jail or police
3 station, but if such child is unable to give bail, it may be
4 committed to the care of the sheriff, deputy sheriff, police
5 officer, chief guardian, or deputy guardian, or probation
6 officer, who shall keep such child in some suitable place
7 provided by the city or county outside of the enclosure of
8 any jail or police station.

(B) When any child shall be sentenced to confinement
2 in any institution to which adult convicts are sentenced, it
3 shall be unlawful to confine such child in the same build-
4 ing with such adult convicts or to bring any such child
5 into any yard or building in which adult convicts may be
6 present.

(C) Any person placing such child in any jail or police
2 station or institution where adult convicts may be present,
3 shall be deemed guilty of contributory delinquency. .

Sect. 20. Whenever a petition is filed, as is provided in
2 section thirteen hereof, or a supplemental petition filed at
3 any time after the appointment of the guardian, shall pray
4 that the guardian to be appointed shall be authorized to
5 consent to the legal adoption of the child, and the court,

6 upon the hearing, shall find that it is to the best interest
7 of the child that the guardian be given such authority, the
8 court may, in its order, appointing such guardian, empower
9 him to appear in court where any proceedings for the adop-
10 tion of such child may be pending, and to consent to
11 such adoption; and such consent shall be sufficient to au-
12 thorize the court where the adoption proceedings are pend-
13 ing, to enter a proper order or decree of adoption without
14 further notice to, or consent by, the parents, or relatives
15 of such child. Provided, however, that before entering such
16 order, the court shall find from the evidence that (1) the
17 parents or surviving parent of a legitimate child, or the
18 mother of an illegitimate child, or if the child has no parents
19 living, the guardian of the child, if any, or if there is no
20 parent living and the child has no guardian, or the guardian
21 is not known to the petitioner, then a near relative of the
22 child, if any there be, consents to such order; or (2) that
23 one parent consents and the other is unfit for any of the
24 reasons hereinafter specified, to have the child, or that both
25 parents are, or that the surviving parent, or the mother of
26 an illegitimate child, is so unfit for any such reasons—the
27 grounds of unfitness being (a) depravity, (b) open and
28 notorious adultery or fornication, (c) habitual drunken-
29 ness for the space of one year prior to the filing of the
30 petition, (d) extreme and repeated cruelty to the child,
31 (e) abandonment of the child or (f) desertion of the child
32 for more than six (6) months next preceding the filing of
33 the petition.

Sect. 21. No association which is incorporated under the laws of any other state than the state of Maine, shall place any child in any family home within the boundaries of the state of Maine either with or without indenture or for adoption, unless the said association shall have furnished the judge of the juvenile court with such guaranty as he shall require that no child shall be brought into the state of Maine by such society or its agents having any contagious or incurable disease, or having any deformity or being of feeble mind or vicious character, and that said association shall promptly receive and remove from the state any child brought into the state of Maine by its agent which shall become a public charge within the period of five years after being brought into the state. Any person who shall receive to be placed in a home, or shall place in a home, any child in behalf of any association incorporated in any other state than the state of Maine, which shall not have complied with the requirements of this act, shall be imprisoned in the county jail not more than thirty days, or fined not less than twenty (20) dollars or more than one hundred (100) dollars, or both, in the discretion of the court.

Sect. 22. The court, committing children, shall place them, as far as practicable, in the care and custody of some individual holding the same religious belief as the parents of the child, or with some association which is controlled by persons of like religious faith as the parents of the child.

Sect. 23. If it shall appear, at the hearing of the cause,

2 that the parents, parent, or any persons or person named
3 in such petition, who are now by law liable for the support
4 of such child, are able to contribute to the support of such
5 child, the court shall enter an order requiring such parents,
6 parent, or other persons to pay the guardian so appointed
7 or to the institution to which said child may be committed,
8 a reasonable sum, from time to time, for the support, main-
9 tenance and education of such child, and the court may
10 order such parents, parent, or other person, to give rea-
11 sonable security for the payment of such sum or sums, and
12 upon failure to pay, the court may enforce obedience to
13 such order by a proceeding as for contempt of court. The
14 court may, upon application and on such notice as the court
15 may direct, from time to time, make such alterations in the
16 allowance as shall appear reasonable and proper.

Sect. 24. If the person so ordered to pay for the sup-
2 port, maintenance or education of a dependent, neglected
3 or delinquent child, shall be employed for wages, salary or
4 commission, the court may also order that the sum to be
5 paid by him shall be paid to the guardian or institution out
6 of his wages, salary or commission, and that he shall ex-
7 ecute an assignment thereof pro tanto. The court may
8 also order the parent or the person so ordered to pay the
9 sum of money for the support, maintenance or education
10 of a child, from time to time, to make discovery to the
11 court as to his place of employment and amount earned

12 by him. Upon his failure to obey the order of court he
13 may be punished as for contempt of court.

Sect. 25. Nothing in this act shall be construed to give
2 the guardian appointed under this act the guardianship of
3 the estate of the child or to change the age of minority for
4 any other purpose than the custody of the child.

Sect. 26. The invalidity of any portion of this act shall
2 not affect the validity of any other portion thereof which
3 can be given effect without such invalid part.

Sect. 27. Cases under this act may be reviewed by writ
2 of error.

Sect. 28. The blanks for use in the juvenile court shall
2 be made up by the first judge to be appointed by the gov-
3 ernor, to the end that the practice throughout the state
4 may become uniform. The copy for said blanks shall then
5 be turned over to the State auditor's department and the
6 blanks shall be distributed, when printed, to the different
7 juvenile courts throughout the state.

Sect. 29. The provisions of this act shall be liberally con-
2 strued, to wit: That the care, custody and discipline of all
3 children brought before the juvenile court of the state of
4 Maine, shall approximate as near as may be that which
5 should be given by natural parents and that all children in
6 delinquency, dependency or neglected, shall be treated only
7 as unfortunate children needing care, nurture and educa-
8 tion, as wards of the state of Maine, to be cared for by it,
9 and not as enemies to be punished; that the court itself
10 shall be a part of the educational system of the state and

11 not an institution of punishment except insofar as said
12 court may be a court of law to administer punishment to
13 adult offenders.

Sect. 30. All acts or parts of acts inconsistent with the
2 provisions and spirit of this act are hereby repealed.