

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 62

H. D. No. 17

House of Representatives, Jan. 22, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for Concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Decker of Milo.

STATE OF MAINE

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

AN ACT Relating to the Protection of Children.

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

Section 1. Section fifty-three of chapter sixty-four of the
2 revised statutes as amended by chapter two hundred ninety-
3 seven of the public laws of nineteen hundred seventeen, and
4 by chapter one hundred seventy-one of the public laws of
5 nineteen hundred nineteen, is hereby further amended by
6 striking out the words "or any duly incorporated children's
7 institution or child welfare organization consenting to re-
8 ceive same, whose standards of care and maintenance are
9 approved by the state board," in the twenty-seventh, twenty-

10 eighth and twenty-ninth lines; by striking out the word “it-
11 self” in the thirtieth line, and inserting after the word
12 “board” in the thirtieth line, the words ‘of children’s guard-
13 ians,’ so that said section as amended shall read as follows:

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 suffi-
18 cient 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 having
23 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 munic-
28 ipal board of the town where the child is residing at least
29 ten days before the date set for the hearing, provided, how-
30 ever, that the municipal board may waive such notice. If
31 upon hearing it shall appear that any material allegations
32 of said complaint are true, the court may order said child
33 into the custody of any suitable person or into the custody
34 of the state board of children's guardians. The court shall
35 cause a copy of the order of commitment and of any subse-
36 quent modifications thereof to be sent forthwith to the state
37 board. The court may direct the municipal board where
38 the child is residing to make such provision for its care as
39 may be necessary pending hearing and the expense, if any,
40 of such care shall be paid in the same manner as provided
41 in section fifty-five of this act for the care of children com-
42 mitted to children's institutions or child welfare organiza-
43 tions or the state board.'

Sect. 2. Section fifty-four of chapter sixty-four of the
2 revised statutes, as amended by chapter two hundred ninety-
3 seven of the public laws of nineteen hundred seventeen and
4 by chapter one hundred seventy-one of the public laws of
5 nineteen hundred nineteen, is hereby further amended by
6 striking out the words "The children's institution or organi-
7 zation or" in the ninth and tenth lines, and inserting in

8 place thereof the word 'The'; by striking out the words
9 "children's institution or child welfare organization" in the
10 twenty-sixth line and striking out the words "or by the
11 children's institution or child welfare organization" in the
12 twenty-eighth and twenty-ninth lines, and by inserting the
13 words 'by the' before the word "suitable" in the twenty-
14 ninth line, so that said section as amended shall read as
15 follows:

'Sect. 54. Orders and decrees provided for in the pre-
2 ceding sections shall have the same effect to divest the
3 parent 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 and twenty of the revised statutes. Such orders
10 shall not extend beyond the time when the child arrives at
11 the age of twenty-one years. The state board to which said
12 child is committed shall have full custody and control over
13 said child thereafter for said time, and shall have authority
14 to give the consent required in section thirty-six of said
15 chapter seventy-two. An appeal may be taken from the
16 order or decree of any probate, municipal or police court
17 determining the custody of the child under the provisions of
18 this act to the next term of the supreme judicial court to
19 be holden within the county not earlier than fourteen days

20 after the signing of said order or decree, provided that in
21 counties having a superior court said appeal from any mu-
22 nicipal or police court shall lie solely to said superior court
23 next to be holden not earlier than fourteen days after the
24 signing of said order or decree. The proceedings under
25 such appeal from a probate court shall follow the form pre-
26 scribed for appeal from probate courts and under such ap-
27 peal from a municipal or police court shall follow the
28 provisions of any special charter of the municipal or police
29 court concerned, but pending action upon any such appeal
30 the court may order the custody of the child to be retained
31 by said suitable person, or state board. Upon application
32 by the state board, by a municipal board, by the parents or
33 parent of any such child or by the suitable person to which
34 such child may have been committed to the court making
35 the commitment, said court shall examine into the condi-
36 tions and welfare of the said child, and may at any time
37 make such further order in relation to his care, custody,
38 support and education as justice may demand.'

Sect. 3. Section fifty-five of chapter sixty-four of the
2 revised statutes, as amended by chapter one hundred seventy-
3 one of the public laws of nineteen hundred nineteen, is
4 hereby amended by striking out all of said section and in-
5 serting in place thereof the following:

'Sect. 55. Whenever the court deems it suitable and con-
2 ducive to the public welfare that any such child be placed
3 under the control of an individual, the court shall first take

4 a bond from such person running to the state in such sum
5 and with such sureties as the court approved, conditioned
6 that such person shall humanely treat and properly support,
7 clothe and educate the child, and in case of non-perform-
8 ance of the conditions of said bond a suit may be commenced
9 thereon and the sum so recovered shall be paid into the
10 treasury of the state for the joint benefit of the state and
11 town of settlement, if any, of said child in proportion to the
12 amount of expense incurred by the state and said town be-
13 cause of the failure of said person so to treat, support,
14 clothe and educate said child. Bills itemizing the expense
15 of maintenance and education of children committed under
16 the provisions of this chapter, when approved by the state
17 board and audited by the state auditor, shall be paid by the
18 treasurer of the state. The state board shall recover from
19 the town of settlement, if any, of any such child, one-half,
20 but not exceeding an average of two dollars per week, of
21 any such payments on account of such child. No such
22 child, nor the parents or grandparents of such child who are
23 unable to provide for its care, shall be deemed paupers by
24 reason or any care furnished to the child under the pro-
25 visions of this act.

Sect. 4. Section sixty of chapter sixty-four of the revised
2 statutes, as amended by chapter one hundred seventy-one of
3 the public laws of nineteen hundred nineteen, is hereby
4 further amended by striking out the words "any town or

5 county” in the first and second lines, so that said section, as
6 amended, shall read as follows:

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