

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 437**

H. P. 290

House of Representatives, February 4, 1959.

Referred to Committee on Judiciary. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Knight of Rockland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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**AN ACT Correcting Certain Inconsistencies in the Probation and Parole Law.**

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

**Sec. 1. R. S., c. 19, § 3, sub-§ IV, amended.** Subsection IV of section 3 of chapter 19 of the Revised Statutes is amended to read as follows:

**IV.** To install uniform accounting systems and perform post-audits for the clerks of Superior Courts, judges and recorders of municipal courts and trial justices ~~and probation officers~~, the expenses of such audits to be paid as follows: 50% by the county where the audit is performed, 30% by the State Highway Department and 20% by the Department of Inland Fisheries and Game;'

**Sec. 2. R. S., c. 25, § 247, repealed.** Section 247 of chapter 25 of the Revised Statutes is repealed.

**Sec. 3. R. S., c. 25, § 248, amended.** Section 248 of chapter 25 of the Revised Statutes is amended to read as follows:

**Sec 248. Investigations and prosecutions.** All ~~municipal boards, their agents and employees, all county probation officers and associate probation officers and the~~ The department and its agents, so far as funds are available, shall investigate all cases of cruel or injurious treatment of children coming to their knowledge, and shall cause offenders against any law for the protection of children or prevention of cruelty to the same to be prosecuted. The costs of court proceedings under ~~the provisions of~~ this section shall be taxed and paid

in the same manner as in any criminal process. All fines imposed for the punishment of offenses under ~~any of the provisions of the 10 following~~ sections 249 to 258 shall be paid over to the county treasurer of the county in which the offenses may have been committed.'

**Sec. 4. R. S., c. 25, § 249, amended.** The first sentence of section 249 of chapter 25 of the Revised Statutes is amended to read as follows:

'When complaint in writing signed by an agent of the department, sheriff, ~~county probation officer~~ police officer ~~member of a municipal board~~ or by 3 or more citizens of any town or city is made under oath to the probate court of the county or the municipal court having jurisdiction in said city or town, alleging that such child in such city or town is cruelly treated or willfully neglected by its parents or parent or other person having custody or control of such child or by the willful failure of such parents or parent or other person having custody or control of such child is not provided with suitable food, clothing or privileges of education, or is kept at or allowed to frequent any disorderly house, house of ill fame, gambling place or place where intoxicating liquors are sold, or other places injurious to the health or morals, or that such child is an orphan, or is a child whose mother is an inmate of a state institution, without means of support or kindred of sufficient ability who will furnish such support, and praying that suitable and proper provision be made for the care, custody, support and education of the child named in such complaint, the court, in term time or vacation, may fix a time for hearing upon said complaint to be held in term time or vacation, and may issue a warrant causing the parents or parent or other persons having custody or control of such child and the child, if necessary, to be brought before said court forthwith in term time or vacation, or may order notice to be given to said parents or parent or said other persons in such manner or in such length of time as the court deems proper.'

**Sec. 5. R. S., c. 134, § 12, amended.** The last paragraph of section 12 of chapter 134 of the Revised Statutes is amended to read as follows:

'No female who shall be convicted of violating any of ~~the provisions of~~ this section shall be placed on probation or on parole in the care or charge of any person except a woman ~~probation~~ **probation-parole** officer.'

**Sec. 6. R. S., c. 146, § 5, repealed.** Section 5 of chapter 146 of the Revised Statutes is repealed.

**Sec. 7. R. S., c. 146, § 6, amended.** The first paragraph of section 6 of chapter 146 of the Revised Statutes, as amended by section 2 of chapter 211 of the public laws of 1955 and by section 2 of chapter 21 of the public laws of 1957, is repealed and the following paragraph enacted in place thereof:

'A municipal court may place children under the age of 17 years under the supervision, care and control of the State Board of Probation and Parole or the Department of Health and Welfare or order the child to be placed in a suitable family home subject to the supervision of the State Probation and Parole Board or the Department of Health and Welfare or commit such child to the Department of Health and Welfare or make such other disposition as may seem best

for the interests of the child and for the protection of the community including holding such child for the grand jury or commitment of such child to the Pine-land Hospital and Training Center upon certification of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this State, that such child is mentally defective and that his or her mental age is not greater than  $\frac{3}{4}$  of subject's life age nor under 3 years, or to the State School for Boys or State School for Girls; but no boy shall be committed to the State School for Boys who is under the age of 11 years and no girl shall be committed to the State School for Girls who is under the age of 9 years and no municipal court shall sentence a child under the age of 17 years to jail or prison. Any child or his next friend or guardian may appeal to the Superior Court in the same county in the same manner as in criminal appeals, and the court may accept the personal recognizance of such child, next friend or guardian, and said Superior Court may either affirm such sentence or order of commitment or make such other disposition of the case as may be for the best interests of such child and for the peace and welfare of the community.'

**Sec. 8. R. S., c. 152, § 23, sub-§ II, amended.** Subsection II of section 23 of chapter 152 of the Revised Statutes is amended to read as follows:

'II. When the return to this State is required of a person who has been convicted of a crime in this State and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the ~~parole board~~ **State Probation and Parole Board**, or the warden of the institution, or sheriff of the county from which escape was made shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement, or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.'