

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

---

Published by the Secretary of State, agreeably to Resolves of June 28,  
1820, February 18, 1840, and March 16, 1842.

---

AUGUSTA  
KENNEBEC JOURNAL PRINT  
1903

---

PUBLIC LAWS

OF THE

STATE OF MAINE.

1903.

---

Chapter 22.

An Act amendatory of and additional to Chapter one hundred and forty-two of the Revised Statutes, relating to the State Reform School.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1 of chapter 142 of the R. S. amended.

Section 1. Section one of chapter one hundred and forty-two of the revised statutes is hereby amended so that said section as amended, shall read as follows:

Board of five trustees.

'Section 1. The government of the state reform school, established for the instruction, employment, and reform of juvenile offenders, in the town of South Portland, in the county of Cumberland, is vested in a board of five trustees appointed by the governor, with the advice and consent of council, and commissioned to hold their offices during the pleasure of the governor and council, but not longer than four years under one appointment. They shall be allowed two dollars a day for their services when employed, and the same sum for every twenty miles traveled. They shall have charge of the general interests of the institution, and see that its affairs are conducted as required by the legislature, and such by-laws as the board may adopt; see that proper discipline is maintained therein; provide employment for the inmates, and bind them out, discharge or remand them, as hereinafter provided; appoint a superintendent, subject to the approval, and during the pleasure of the governor and council, and appoint such other officers as in their judgment the wants of the institution require; prescribe the duties of all its officers; exercise a vigilant supervision over its concerns, remove its subordinate officers at pleasure, and appoint others in their stead; determine the compensation of the subordinate officers, subject to the approval of the governor and council, and prepare and submit by-laws to the governor and council, which shall be valid when sanctioned by them. They may contract with the attorney general of the United States for the confinement and support in the reform school of juvenile offenders against the laws of the United States in accordance with sections five thousand five hundred and forty-nine, and five thousand five hundred and fifty of the revised statutes of the United States.'

-appointed by the governor.

-tenure.

-compensation.

-travel.

-duties.

-superintendent, how appointed.

-may contract with attorney general of U. S. for confinement of juvenile offenders.

Section 2 of chapter 142 of R.S. amended.

Section 2. Section two of said chapter one hundred and forty-two of the revised statutes is hereby amended so that said section, as amended, shall read as follows:

Boys between 8 and 16 may be sentenced to the school.

'Section 2. When a boy between the ages of eight and sixteen years is convicted before any court or trial justice having jurisdiction of the offense, of an offense punishable by imprisonment in the state prison, not for life, or in the county jail, or in any

house of correction, such court or justice may order his commitment to the state reform school or sentence him to the punishment provided by law for the same offense. If to the reform school, the commitment shall be conditioned that if such boy is not received or kept there for the full term of his minority, unless sooner discharged by the trustees as provided in section seven, or released on probation as provided in section ten, he shall then suffer the punishment provided by law, as aforesaid, as ordered by the court of justice; but no boy shall be committed to the reform school who is deaf and dumb, non compos, or insane.'

—deaf and dumb, non compos or insane shall not be sent.

Section 3. Section three of said chapter one hundred and forty-two is hereby amended so that said section, as amended, shall read as follows:

Section 3 of chapter 142, amended.

'Section 3. When a boy is committed to the state reform school, under the provisions of the preceding section, for larceny of property not exceeding one dollar in value; or for assault and battery, malicious mischief, malicious trespass, desecration of the Lord's day, riotous conduct, disturbance of the peace, embezzlement, cheating by false pretenses, vagrancy, or truancy; or for being a common runaway, drunkard, or pilferer; or for any offense punishable in any house of correction, the expenses of conveying such boy to the reform school, and his subsistence and clothing during the time he remains there, not exceeding one dollar a week, shall be defrayed by the town where such boy resides at the time of his commitment, if within the state; otherwise such expense shall be paid by the state.'

Expenses, how defrayed.

Section 4. Section four of said chapter one hundred and forty-two is hereby amended so that said section, as amended, shall read as follows:

Section 4 of chapter 142, amended.

'Section 4. When any boy is ordered to be committed to the state reform school the court or trial justice by whom such commitment is ordered shall certify in the mittimus the city or town in which such boy resides at the time of his commitment, the age of the boy, and the day on which his term of minority will expire. The finding of the court or justice regarding the age and residence of the boy shall be deemed a decision of a question of fact, and his certificate thereof shall be conclusive evidence of the age and residence of the boy and of the day on which his term of minority will expire. If the said boy is convicted of an offense specified in the preceding section the certificate of the court or trial justice shall be sufficient evidence in the first instance, to charge such city or town in which such boy resides with his expense at the reform school, not exceeding one dollar a week. The superintendent, upon the commitment of such boy shall

—age, residence and day when minority expires shall be certified in mittimus.

## CHAP. 22

—notification  
to cities and  
towns liable,  
how made.

notify in writing by mail or otherwise, the aldermen of any city, or the selectmen of any town so liable, of the name of the boy committed, the offense with which he is charged, and the duration of his term of commitment. Such written notice shall be sufficient when made, superscribed and directed to said aldermen or selectmen, and deposited, postage prepaid, in the post office.'

Section 6 of  
chapter 142,  
amended.

Section 5. Section six of said chapter one hundred and forty-two is hereby amended by striking out after the word "boy" in the first line the words "so convicted and sent to" and inserting in place thereof the words 'committed to,' and by striking out the word "sentence" in the third line of said section and inserting in place thereof the word 'commitment,' so that said section, as amended, shall read as follows:

Board of  
trustees shall  
direct the  
discipline, etc.

'Section 6. Every boy committed to said school, shall there be kept, disciplined, instructed, employed, and governed, under the direction of the board of trustees, until the term of his commitment expires, or he is discharged as reformed, bound out by said trustees according to their by-laws, or remanded to prison under the sentence of the court as incorrigible, upon information of the trustees, as hereinafter provided.'

Section 7 of  
chapter 142  
amended.

Section 6. Section seven of said chapter one hundred and forty-two is hereby amended by striking out after the word "is" in the first line of said section the word "sentenced" and inserting in place thereof the words 'ordered to be committed,' and by striking out the word "convict" in the fifth line of said section and inserting in place thereof the word 'boy,' and by striking out the word "alternative" in the seventh line of said section, and by striking out the word "sentenced" in the ninth line of said section and inserting in place thereof the words 'ordered to be committed,' so that said section, as amended, shall read as follows:

—incorrigible  
boys, how  
disposed of.

'Section 7. When a boy is ordered to be committed to said school and the trustees deem it inexpedient to receive him, or he is found incorrigible, or his continuance in the school is deemed injurious to its management and discipline, they shall certify the same upon the mittimus by which he is held, and the mittimus and boy shall be delivered to any proper officer, who shall forthwith commit said boy to the jail, house of correction, or state prison, according to his sentence. The trustees may discharge any boy as reformed; and may authorize the superintendent, under such rules as they prescribe, to refuse to receive boys ordered to be committed to said school, and his certificate thereof shall be as effectual as their own.'

## CHAP. 22

Section 7. Section nine of said chapter one hundred and forty-two is hereby amended, so that said section, as amended, shall read as follows:

'Section 9. All commitments of boys shall be during their minority unless sooner discharged by order of the trustees, as before provided; and when a boy is discharged from the school at the expiration of his term, whether he be then in the institution or lawfully out on probation, or when discharged as reformed, an appropriate record of such discharge shall be made by the superintendent upon the register of the school required to be kept by provisions of section thirteen of this chapter. Such discharge shall be a full and complete release from all penalties and disabilities created by his sentence and commitment, and the record of the proceedings under which such boy was so committed shall not be deemed to be, nor shall it be subsequently used as, a criminal record against him. Each boy discharged from the institution shall receive an appropriate written discharge, signed by the superintendent. Such discharge, or a copy, duly certified by the superintendent, of the record of discharge upon the register of the school, shall be receivable in evidence and conclusive of the facts therein stated.'

Section 9 of chapter 142 amended.

—Commitments shall be made during minority.

—record of discharge shall be made.

—discharge shall be a full and complete release.

Section 8. Section ten of said chapter one hundred and forty-two is hereby amended so that said section, as amended, shall read as follows:

'Section 10. The trustees may commit, on probation and on such terms as they deem expedient, to any suitable inhabitant of the state, any boy in their charge, for a term within the period of his commitment, such probation to be conditioned on his good behavior and obedience to the laws of the state. Such boy shall, during the term for which he was originally committed to the reform school, be also subject to the care and control of the trustees, and on their being satisfied at any time, that the welfare of the boy will be promoted by his return to the school, they may order his return. On his return to the school, such boy shall there be held and detained under the original mittimus. The trustees may delegate to the superintendent under such rules as they prescribe the powers herein granted to the trustees to commit any boy on probation to any suitable inhabitant of the state, and to return to the reform school any boy so committed when he is satisfied that the welfare of the boy will be promoted by his return. Any boy ordered returned to the reform school may, on the order of the superintendent or other officer of the institution, be arrested and returned to the reform school, or to any officer or agent thereof, by any sheriff, constable or police officer

Section 10 of chapter 142, amended.

—trustees may commit boys on probation.

—probation conditioned.

—return to school may be ordered.

## CHAP. 22

or other person ; and may also be arrested and returned by any officer or agent of the school.'

Section 11 of chapter 142, repealed.

Section 9. Section eleven of said chapter one hundred and forty-two is hereby repealed.

Section 15 of chapter 142, amended.

Section 10. Section fifteen of said chapter one hundred and forty-two is hereby amended by striking out in the eleventh line of said section the word "sentenced" and inserting in place thereof the word 'committed,' so that said section, as amended, shall read as follows :

Trustees shall visit school, etc.

'Section 15. One or more of the trustees shall visit the school at least once in every four weeks, examine the register and the inmates in the school room and workshop, and regularly keep a record of these visits in the books of the superintendent. Once in every three months, the school, in all its departments, shall be thoroughly examined by a majority of the board of trustees, and a report shall be made, showing the results thereof. Annually, on the first day of December, an abstract of such quarterly reports shall be prepared and laid before the governor and council for the information of the legislature, with a full report of the superintendent, stating particularly among other things, the offense for which each pupil was committed and his place of residence. A financial statement furnishing an accurate detailed account of the receipts and expenditures for the year terminating on the last day of November preceding, shall also be furnished.'

—shall examine once in three months.

—abstract of quarterly reports shall be laid before the governor.

Homeless reformed boys may be returned to overseers of poor.

Section 11. Any boy deemed by the trustees to be reformed who has no suitable home to which he can be sent and for whom, in consequence of physical infirmity or other reason, no suitable home can be found by the trustees, may be discharged by said trustees and returned to the selectmen of the town or the overseers of the poor of the city where such boy resided at the time of his commitment.

Fugitive boys, penalty for aiding or abetting.

Section 12. Any person who shall aid or abet any boy committed to the state reform school in escaping therefrom, or who shall knowingly harbor or conceal any boy who has escaped from said school, shall be fined not less than fifty or more than one hundred dollars, or punished by imprisonment in the county jail not more than sixty days. Any fugitive from the state reform school may, on the order of the superintendent or other officer of the institution, be arrested and returned to the school, or to any officer or agent thereof, by any sheriff, constable, or police officer, or other person ; and may also be arrested and returned by any officer or agent of the school.

—fugitives, how arrested and returned.

Section 13. All acts and parts of acts, inconsistent with this act, are hereby repealed.



Section 14. This act shall take effect May one, nineteen hundred three.

Approved February 25, 1903.

### Chapter 23.

An Act to amend Section fourteen of Chapter fifty-one of the Revised Statutes, relating to the width of the location of Railroads.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Section 1. Section fourteen, chapter fifty-one of the revised statutes is hereby amended so as to read as follows:

Section 14,  
chapter 51,  
R. S.  
amended.

'Section 14. A railroad corporation for the location, construction, repair and convenient use of its road may purchase or take and hold as for public uses land and all materials in and upon it; through woodland and forest the land so taken shall not exceed six rods in width unless necessary for excavation, embankment or materials, and through all land other than woodland and forest, the land so taken shall not exceed four rods in width unless necessary for excavation, embankment or materials.'

Width of the  
location of  
railroads,  
limited.

Section 2. This act shall take effect when approved.

Approved February 25, 1903.

### Chapter 24.

An Act to amend Chapter ninety-seven, Section three of the Revised Statutes, relating to Bastard Children and their maintenance.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Section three of chapter ninety-seven of the revised statutes of Maine is hereby amended by adding after the last word in said section the following words: 'The cost of commitment and board of the accused while so in jail shall be paid by the county in which said jail is situated. If he gives the required bond after commitment he shall be liberated upon payment of said cost of commitment and board,' so that said section as amended, shall read as follows:

Section 3 of  
chapter 97, R.  
S., amended.