

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-SECOND LEGISLATURE  
OF THE  
STATE OF MAINE  
1905.

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Published by the Secretary of State, agreeably to Resolves of  
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

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**Chapter 122.**

An Act to amend Section twenty-four, Chapter forty-eight, Revised Statutes, relating to real estate investments of savings banks.

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

Section twenty-four of chapter forty-eight of the revised statutes is hereby amended by adding to said section the following words, 'or to an amount not exceeding its reserve fund,' so that said section, as amended, shall read as follows:

Section 24,  
chapter 48, R.  
S., amended.

'Section 24. Any such bank or institution may hold real estate in the city or town in which such bank or institution is located, to an amount not exceeding five per cent of its deposits or to an amount not exceeding its reserve fund.'

May hold real  
estate.

Approved March 21, 1905.

**Chapter 123.**

An Act for the Protection of Children.

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

Section 1. Upon application by the mayor and aldermen of any city, the selectmen of any town, or the president and a majority of the directors of any society for the protection of children, or prevention of cruelty to the same, the governor and council shall issue a badge and a commission to any suitable person designated in said application, authorizing such person to arrest persons charged with violating any of the provisions of this act or any other act or law concerning the protection of children or prevention of cruelty to the same, in the same manner and with the same powers and jurisdiction in the premises as any sheriff, deputy sheriff, police officer or constable, and to perform such other duties as may be provided for by this act.

The governor  
and council  
may appoint  
suitable  
persons  
to enforce  
provisions  
of this act.

Section 2. Any officer or agent commissioned under the provisions of the preceding section and all sheriffs, deputy sheriffs, police officers and constables shall investigate all cases of cruel or injurious treatment of children coming to their knowledge, and shall cause offenders against any provisions of this act or any other act concerning the protection of children or prevention of cruelty to the same to be prosecuted. For their travel and services and expenses in conducting such investigations such officers and agents commissioned as aforesaid shall be paid reasonable compensation by the county in which such services

Officers shall  
investigate  
cases of cruel  
or injurious  
treatment  
of children.

—compensa-  
tion of  
officers.

*Mr. Prob. Lam.*  
*R. 436*

## CHAP. 123

—claims for compensation shall be audited by county commissioners.

Persons offending under provisions of this or any other act may be arrested.

—officers may interfere to prevent the perpetration of offenses under this act.

—punishment for obstructing officer.

Sections 45 and 46, chapter 61, R. S. 1903, amended.

Judge of any court shall, on complaint order hearing on cases of alleged abuse of children.

are rendered and the same fees as are now allowed officers by law for the service of a warrant for arrest or any criminal process; provided, however, that all claims of such agents for such travel and services, expenses and fees shall first be audited and approved by the county commissioners of the county liable to pay the same. All fines imposed for the punishment of such offenses shall be paid over to the county treasurer of the county in which the offense may have been committed.

Section 3. Any officer or agent of any society for the protection of children or prevention of cruelty to the same may arrest and bring before any court or magistrate having jurisdiction, any person offending against any of the provisions of this act or any other act or law concerning the protection of children or the prevention of cruelty to the same. Such officer or agent, or any sheriff, deputy sheriff, police officer or constable, may lawfully interfere to prevent the perpetration in his presence of any such offense or act prohibited by this chapter or any other law concerning the protection of children or the prevention of cruelty to the same, and whoever interferes with or obstructs such officer or agent or any sheriff, deputy sheriff, police officer or constable in the discharge of his duty, is guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars or by imprisonment not exceeding six months.

Section 4. Sections forty-five and forty-six of chapter sixty-one of the revised statutes of nineteen hundred and three are hereby amended so that said sections as amended, shall read as follows:

'Section 45. When complaint in writing, signed by any such officer or agent of any society for the protection of children or the prevention of cruelty to the same, or by three or more citizens of any town or city, is made under oath to the judge of any court held within and for the county in which said town or city is located, alleging that any child in said town or city is cruelly treated or wilfully neglected by its parents, or parent, or by the wilful failure of such parents or parent is not provided with suitable food, clothing or the 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 place injurious to health or morals, or that such child is an orphan without means of support or kindred of sufficient ability who will furnish such support, and praying that suitable and proper provision may be made for the care, custody, support and education of the child named in such com-

plaint; the magistrate or judge to whom such complaint is made shall issue his warrant and cause such child and its parents or parent if any to be brought before him, and if upon hearing it appears that the allegations of said complaint are true, and that it is suitable and proper that such child shall be supported and educated away from its parents or parent, he shall order it into the care and custody of such place or institution as is provided therefor by such town or city, or to such charitable institution or private person as he deems suitable, provided that such institution or person consents to receive, support and educate said child; but such order shall not extend beyond the time when such child arrives at the age of twenty-one years, if a male, or at the age of eighteen years if a female; and until such institution or person can be found, the magistrate or judge may in his discretion, if the circumstances appear to require it, order said child temporarily into the custody of any such officer or agent, or of any such institution or suitable person consenting to receive said child, and the expense of the support of said child during such period until permanent provision can be made therefor, in the manner above specified, shall be paid by the town in which said child resides and said town may recover the amount thereof from the parents or parent of said child, if any, as provided in section fifty of this chapter.'

—judge may order child into care of suitable person or institution.

—support of child, how paid for.

'Section 46. Upon petition of the superintendent of any such public or charitable institutions asking for the care and custody of any such child, an order to the same effect, as provided for in the preceding section, may be made by the judge of the probate court in any county where either of the parents or the parent of such child resides, if written consent be given as provided in section thirty-two of chapter sixty-seven. Such orders and decrees provided for in this and the preceding section shall have the same effect to divest the parents or parent of all legal rights in respect to such child as specified in section thirty-four of said chapter sixty-seven, and said institution shall have full custody and control over said child thereafter for said time, and have authority alone to give the consent required in said section thirty-two.'

Judge of probate court may make order with same effect.

Section 5. Section forty-eight of chapter sixty-one of the revised statutes of nineteen hundred and three is hereby repealed.

Section 48, chapter 61, R. S., repealed.

Section 6. Section seven of chapter sixty-three of the revised statutes of nineteen hundred and three is hereby amended so that the same shall read as follows:

Section 7, chapter 63, R. S., amended.

## CHAP. 123

Husband and father living apart from his family may be compelled to contribute to support of wife or minor children.

—execution may issue.

Punishment for allowing children under 16 years of age in disorderly house, house of ill fame, etc.

Punishment for offering for sale, selling or giving intoxicating liquors to children under 16 years of age.

Punishment for exhibiting children under 16 years of age, or for permitting begging by the same.

'Section 7. Whenever a man, having a wife, a minor child, or children, residing in this state, and being of sufficient ability, or being able to labor and provide for them, wilfully and without reasonable cause, refuses or neglects to provide suitable maintenance for them, the supreme judicial court, the superior courts, the probate courts and any municipal court, in term time or vacation, in the county where the wife or such minor child or children reside, on petition of the wife for herself and for such child or children, or of such child or children by their guardian, after such notice to the husband or father as it may order, and hearing, may order him to contribute to the support of his wife and such minor child or children or either of them such sums payable weekly, monthly or quarterly, as are deemed reasonable and just, and may enforce obedience by appropriate decrees. Execution may also issue for said sums, when payable and for costs.'

Section 7. Whoever admits or allows to remain in any disorderly house, house of ill fame, gambling place or place where intoxicating liquors are sold, or other place injurious to health or morals, owned, kept, maintained, managed or controlled by him in whole or in part, any child under the age of sixteen years, shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding sixty days.

Section 8. Whoever by himself, his clerk, servant or agent, directly or indirectly has in his possession with intent to sell, offers for sale, sells or gives away to any child under the age of sixteen years, or to any such child for any other person, any intoxicating liquors, and whoever by himself, his clerk, servant or agent, directly or indirectly employs or permits any such child to aid or assist him in the illegal keeping or the illegal sale of intoxicating liquors, shall be punished in addition to the penalties otherwise provided against the illegal keeping for sale or illegal sale of intoxicating liquors, by fine not less than one hundred dollars or by imprisonment not less than sixty days.

Section 9. No person shall employ or cause to be employed, exhibit, use or have in custody, or train for use, employment or exhibition, any child under sixteen years of age, and no parent, guardian or other person, having care, custody and control of such child, shall procure or permit the training, use, employment or exhibition of any such child, in begging or soliciting or receiving alms in any manner or under any pretence, or in any illegal, indecent or immoral exhibition or practice, or in any exhibition of any such child when insane or idiotic, or when possessing any deformity and unnatural physical formation, or

in any practice, exhibition or place dangerous or injurious to the life, limb, health or morals of such child. Whoever offends against the provisions of this section shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding sixty days.

Section 10. All fines or penalties provided for by the terms of this act may be recovered or enforced by complaint or indictment, and in all prosecutions under this chapter and the amendments and additions thereto, trial justices and judges of municipal and police courts within their counties shall have by complaint, original and concurrent jurisdiction with the superior and supreme judicial courts.

Section 11. This act shall take effect when approved.

Approved March 21, 1905.

Fines and penalties, how recovered or enforced.

## Chapter 124.

An Act to provide for the better collection of Collateral Inheritance Taxes.

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

Chapter eight of the revised statutes is hereby amended by adding thereto the following sections:

Chapter 8, R. S., amended.

'Section 86. The registers of probate in the several counties shall deliver to the county attorneys for their several counties, on or before the first day of June in each year, a list of all estates in which it appears from the record that some part of said estate may be liable to a collateral inheritance tax, and in which a will has been offered for probate or administration granted for more than one year prior to the time of filing such list, and in which no collateral inheritance tax has been assessed or paid.

Registers of probate shall annually deliver to county attorneys list of estates appearing to be liable to collateral inheritance tax.

Said list shall contain the name of the deceased, the date of the administration granted, and the name and residence of the administrator or executor.

--what said list shall contain.

The county attorney shall promptly investigate all cases so reported, by notifying the executor, administrator, trustee, heir or devisee, and in such other manner as he may determine, and if it appears to him that in any such case a collateral inheritance tax is due the state and has not been paid to the state, he shall, unless said tax is paid to the state, within thirty days after notice from him to the executor, administrator, trustee, heir or devisee that the same is due, cite the executor, administrator, trustee,

--county attorney shall investigate all cases reported.

--unless tax is paid in 30 days cite parties into probate court.