

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

CHAP. 41**Chapter 41.**

An Act to amend Section thirty-six of Chapter one hundred and one of the Revised Statutes, in relation to Bail Commissioners.

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

Section 36,
chapter 101,
R. S.,
amended.

Section thirty-six of chapter one hundred and one of the revised statutes of Maine is hereby amended by inserting after the word "commissioner" in the sixth line, 'no bail commissioner aforesaid shall appear before any court or justice of the peace as attorney or advisor of any party by him bailed in any case in which he has acted as bail commissioner,' so that said section as amended, shall read as follows:'

Bail com-
missioner
may admit
to bail
before
commitment.

'Section 36. Any person under arrest on criminal process for a bailable offense, may, before commitment to jail, if he so requests, be taken by the officer having him in charge, before such commissioner, who may inquire into the case and admit him to bail. And any person arrested on the Lord's day, or on the afternoon or evening preceding, for a bailable offense, may be admitted to bail on that day by such commissioner. No bail commissioner shall appear before any court or justice of the peace as attorney or advisor of any party by him bailed in any case in which he has acted as such bail commissioner.'

—and on
Lord's day.

—not to act
as attorney.

Approved March 6, 1907.

Chapter 42.

An Act to prevent Desertion and non-support of Families.

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

Desertion
of wife in
destitute cir-
cumstances.

Section 1. Any person who shall without lawful excuse desert his wife when such wife is in destitute or necessitous circumstances, or any person who being able by means of his property or labor to provide for the necessary support and maintenance of his wife, shall wilfully neglect or refuse to provide such support and maintenance when such wife is in destitute or necessitous circumstances, or any person who shall without lawful excuse desert his or her minor child or children under the age of sixteen years, when such child or children are in such circumstances, or who being able by means of his or her property or labor to provide for the necessary support and maintenance of his or her minor child or children under said age, shall wilfully neglect or refuse to provide such support and maintenance when such child or children are in destitute or necessitous circumstances, shall be deemed guilty of a misdemeanor, and on

—desertion
of children.

—neglect
to support.

conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment with or without hard labor for not more than six months, or by both such fine and imprisonment; and should a fine be imposed it may be directed by the court to be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children; provided that before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly for the space of one year to the wife, or to the guardian or custodian of the minor child or children, or to an organization or individual approved by the court, as trustee, and to release the defendant from custody on probation for the space of one year upon his or her entering into a recognizance, with sureties or surety where such can be furnished, otherwise without sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise of full force and effect.

If the court shall be satisfied by information and due proof, under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original indictment, or sentence him under the original conviction, or enforce the original sentence, as the case may be. In case of forfeiture of a recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children.

Section 2. When any person is sentenced to hard labor and actually employed in such labor in the county jail on account of any sentence imposed under this act, it shall be the duty of the keeper of said jail to certify at the end of each week to the county commissioners the number of days during which such persons shall have been actually employed in said jail as aforesaid, and the county commissioners shall thereupon draw their order upon the county treasurer for a sum equal to fifty cents for each day's hard labor so performed by such person and the same shall thereupon be paid forthwith by the county treasurer to the wife of such person or to the guardian or custodian of his or her minor

—court may direct fine to be paid to wife.
—proviso.

—condition of recognizance.

On proof of violation of order, court may proceed under original indictment.

—amount recovered may be paid to wife or guardian.

Earnings of persons sentenced under this act, how disposed of.

CHAP. 43

Fines and penalties, how recovered.

child or children, or to any organization or individual as trustee which shall be approved by the court imposing such sentence.

Section 3. 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 any amendments and additions thereto, judges of municipal courts and police courts within their respective counties shall have original and concurrent jurisdiction with the superior and supreme judicial courts.

Section 4. This act shall take effect when approved.

Approved March 6, 1907.

Chapter 43.

An Act to amend Chapter one hundred and twenty-three of the Public Laws of nineteen hundred and five, entitled "An Act for the Protection of Children."

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

Section 1, chapter 123, public laws 1905, amended.

Section 1. Section one of chapter one hundred and twenty-three of the public laws of nineteen hundred and five is hereby amended so that the same as amended, shall read as follows:

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

'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, appointing such person an 'Agent for the protection of children,' to serve within and for the county for which he or she shall be appointed and within which he or she shall reside, authorizing such agent 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, and to serve any process, civil or criminal provided for by the terms of said acts or required for the enforcement of the same, in the same manner and with the same powers 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; provided that the powers and duties of such agent shall be confined to the limits of the county for which he or she is appointed.'

—jurisdiction of agent.

—proviso.

Section 2, chapter 123, amended.

Section 2. Section two of said chapter is hereby amended so that the same as amended, shall read as follows:

Officers shall investigate cases of

'Section 2. Any agent for the protection of children appointed as aforesaid and all sheriffs, deputy sheriffs, police officers and