

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

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AUGUSTA  
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

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**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.

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**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

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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 services in conducting such investigations said agents and officers shall be paid their actual expenses and compensation at the rate of two dollars and fifty cents per diem for every day and at the same ratio for every part of a day in which they are actually engaged in making such investigation, by the county in which such services are rendered and for the service of any process, civil or criminal which they may be authorized to serve by the terms of this act, they shall be allowed the same fees as are now allowed officers by law for the service of any similar process; provided, however, that all claims of such agents or officers for such travel and services, expenses and fees shall first be audited and approved by the county commissioners of the county liable to pay for 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.'

cruel or  
injurious  
treatment  
of children.

—compensa-  
tion of  
officers.

—claims for  
compensa-  
tion shall be  
audited by  
county com-  
missioners.

Section 3. Section three of said act is hereby amended by striking out the first two lines of said section and inserting in place thereof the words 'any agent so appointed as aforesaid may' and by striking out in the sixth and twelfth lines of said section the words "officer or," so that said section as amended, shall read as follows:

Section 3,  
chapter 123,  
amended.

'Section 3. Any agent so appointed as aforesaid 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 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 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.'

Persons  
offending  
under pro-  
visions of  
this or any  
other act  
may be  
arrested.

—officers  
may  
interfere  
to prevent  
offenses  
under this  
act.

—punish-  
ment for  
obstructing  
officer.

Section 4. Section forty-five of chapter sixty-one of the revised statutes of nineteen hundred and three as amended by section four of said act of nineteen hundred and five, is hereby further amended by adding at the end of the first line of said section forty-five the words 'agent so appointed or any,' and said section is further amended by striking out in the fifth line of the

Section 45,  
chapter 61,  
R. S. 1903,  
as amended  
by section 4  
of act of  
1905, further  
amended.

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same the words "held within and for," and by inserting in place thereof the word 'in.' Said section forty-five is hereby further amended by striking out after the words "such child" in the eighteenth line of said section the words "and its parents or parent, if any" and by inserting after the words "before him" in the nineteenth line of said section the words 'and notice to be given to its parents or parent, if any, for such length of time as the judge may see fit, either by service in hand or publication in such manner as the court may direct, and the judge may, if he deems it necessary in his discretion continue the case for hearing;' and said section is hereby further amended by inserting after the word "and" in the twenty-ninth line of said section, the words 'pending any such continuance of the case before hearing and after hearing;' and said section is hereby further amended by striking out in the thirty-second line of said section the words "officer or" and inserting after the word "agent" the words 'so appointed;' so that said section when amended, shall read as follows:

Judge of  
any court  
shall, on  
complaint,  
order hear-  
ing on cases  
of alleged  
abuse of  
children.

'Section 45. When complaint in writing, signed by any such agent so appointed or any 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 in the county in which said town or city is located, alleging that such 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 complaint; the magistrate or judge to whom such complaint is made shall issue his warrant and cause such child to be brought before him, and notice to be given to its parents or parent, if any for such length of time as the judge may see fit either by service in hand or publication in such manner as the judge may direct, and the judge may if he deems it necessary in his discretion continue the case for hearing, 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

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

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 pending any such continuance of the case before hearing and after hearing 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 agent so appointed, 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.'

—support of  
child, how  
paid for.

Section 5. Section forty-six of chapter sixty-one of the revised statutes of nineteen hundred and three as amended by section four of said act of nineteen hundred and five is hereby further amended by striking out the words "thirty-two" and "sixty-seven," in the seventh line of said section, and inserting in place thereof respectively the words 'thirty-three' and 'sixty-nine' and by striking out in the tenth line of said section the words "thirty-four," and inserting in place thereof the words 'thirty-five,' and by striking out in the eleventh line of said section the words "sixty-seven" and inserting in place thereof the words 'sixty-nine,' and by striking out in the last line of said section the word "thirty-two," and inserting in place thereof the word 'thirty-three,' so that said section as amended, shall read as follows:

Section 46,  
chapter 61,  
R. S., 1903,  
as amended  
by section 4  
of act of  
1905, further  
amended.

'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-three of chapter sixty-nine. 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-five of said chapter sixty-nine, 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-three.'

Judge of  
probate  
court may  
make order  
with same  
effect.

Section 6. This act shall take effect when approved.