

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

Chapter 108.

An Act to appropriate moneys for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases.

Whereas, the gipsy and brown-tail moths have been declared by law to be public nuisances and their suppression and the prevention of their introduction into this state, and the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases, require constant work now being carried on under the direction of the commissioner of agriculture, and the interruption of said work until ninety days after the recess of this legislature would be harmful to the public health, and

Statement.

Whereas, by reason of the foregoing facts this measure is immediately necessary for the preservation of the public health, and an emergency as contemplated by the constitution exists, now therefore;

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

Section 1. For the purpose of carrying into effect all provisions of law now in force, or as the same may be amended and added to, relative to the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases, there is hereby appropriated out of any moneys in the treasury the sum of twenty-five thousand dollars annually for the years nineteen hundred and nine and nineteen hundred and ten. Any part of this appropriation remaining unexpended at the end of any calendar year may be expended under the supervision of the commissioner of agriculture, upon presentation of properly approved bills for the same.

Appropriation.

Section 2. This act, two-thirds of all the members elected to each house having so directed, shall take effect when approved by the governor.

When act shall take effect.

Approved March 18, 1909.

Chapter 109.

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

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

Section forty-five of chapter one hundred and twenty-three of the public laws of nineteen hundred and five as amended by chapter forty-three of the public laws of

Section 45, chapter 123, public laws, 1905, as

CHAP. 109

amended by
chapter 43,
public laws,
1907, fur-
ther
amended.

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

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

nineteen hundred and seven, is hereby further amended by inserting after the word "court" in the fifth line the words 'or trial justice,' and by inserting after the word "judge" in the twentieth line the words 'or magistrate,' and by inserting after the word "judge" in the twenty-first line the words 'or magistrate,' and by inserting after the word "judge" in the twenty-second line the words 'or magistrate,' so that said section, as amended, shall read as follows:

'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 or trial justice 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 or magistrate may see fit, either by service in hand or publication in such manner as the judge or magistrate may direct, and the judge or magistrate 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 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.

Approved March 19, 1909.

Chapter 110.

An Act to amend Section eighty-eight of Chapter eighty-four of the Revised Statutes, relating to impanelling of Traverse Jurors.

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

Section eighty-eight of chapter eighty-four of the revised statutes is hereby amended by striking out all of the first part of said section ending with the word "jury" in the ninth line, and inserting in lieu thereof the following: 'When venires for jurors are returned to court, the clerk shall, at the commencement of each term, prepare an alphabetical list of the names of the several persons returned as traverse jurors; and before they are impaneled, the court shall cause it to be ascertained whether all so returned are present, and those desiring to be excused shall make application therefor when his name is called, and thereupon be heard on said application. The clerk shall then place separately upon tickets in a box, the names of all jurors legally summoned and in attendance, and not excused, and the names shall be drawn from the box by the clerk, after having been thoroughly mixed, one at a time, and the first twelve persons whose names are drawn from the box shall compose the first jury, and shall be impaneled by the first two being sworn, and then the other ten in succession as they were drawn, and in such divisions as the court directs, or all at the same time; and the next twelve so drawn shall be impaneled and sworn in like manner, and shall compose the second jury,' so that said section, when so amended, shall read as follows:

Section 88,
chapter 84,
R. S.,
amended.