

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Seventh Legislature

1915

[supplied from page 1 of volume]

CHAP. 320

This act shall be passed upon by the voters at the next State election.

Section 14. This act shall be referred at the next state election to the voters of the State and if approved by them shall take effect on the first Wednesday of December, nineteen hundred sixteen. At the said next state election the following question shall be printed upon the official ballot after the list of candidates, in accordance with section ten of chapter six of the Revised Statutes, as amended by chapter one hundred thirty-five of the Public Laws for nineteen hundred five: "Shall an act to provide for state and county aid in construction of highway bridges become a law?" The words, "yes" and "no" shall be printed upon such ballot above the aforesaid question so as to leave a blank space above such question so as to give such voter a clear opportunity to designate by a cross mark (X) therein opposite to the word "yes" or "no" his answer to the question submitted. All warrants for such election shall show that said act is so submitted to the people for ratification and in all the election returns required by law the results shall be appropriately recorded. When said results are made and so returned to the office of the Secretary of State, in like manner as votes for Governor and members of the Legislature, the Governor and Council shall count the same and proclamation of the result shall be made by the Governor, and if it shall appear that a majority of the votes cast thereon are in favor of the ratification of the proposed law, this act shall thereupon take effect and become law on the first Wednesday of December, nineteen hundred sixteen.

Governor shall issue proclamation of the result.

—become law.

Approved April 2, 1915.

Chapter 320.

An Act for the Better Protection of Children, and to Amend Chapter Sixty-one of the Revised Statutes of Nineteen Hundred Three, and Chapter One Hundred Twenty-three of the Public Laws of Nineteen Hundred Five, as Amended by Chapter Forty-three of the Public Laws of Nineteen Hundred Seven, and Chapter One Hundred Nine of the Public Laws of Nineteen Hundred Nine.

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

Ch. 123, Sec. 1, P. L., 1905, as amended, further amended.

Section I. Section one of chapter one hundred twenty-three of the Public Laws of nineteen hundred five as amended by chapter forty-three of the Public Laws of nineteen hundred seven is hereby amended so that the same as amended shall read as follows:

Governor and Council may appoint agents for the protection of children.

'Section I. Upon application by the mayor and aldermen of any city, the selectmen of any town or the county commissioners of any county to the Governor and Council recommending any person as an "agent for the protection of children," the Governor

shall cause the qualifications and experience of said person to be investigated by the State Board of Charities and Corrections, and report thereon to be made to the Governor and if from such report it shall appear that the person so recommended possesses the necessary qualifications and experience for the office, the Governor and Council shall issue a badge and a commission to the person designated in said application, appointing such person an "agent for the protection of children," to serve with 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, and provided further, that there shall not be more than two commissions which have been issued under the provisions of this act as above amended in force for any county at one and the same time.'

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—powers and duties of agent.

—proviso.

Section 2. Commissions of agents heretofore appointed under the provisions of chapter one hundred and twenty-three of the Public Laws of nineteen hundred five and any acts amendatory thereof prior to the passage of this act shall not be terminated hereby, but shall continue to have the same force and effect as though this act had not been passed, provided that during the remainder of the term for which said agents were commissioned they shall in the performance of their duties be subject to all of the provisions of this act.

Commissions of former agents to remain in force.

—proviso.

Section 3. Should any vacancy occur after this act shall become effective in the office of agent for the protection of children in any county, and should the mayor and aldermen of any city, the selectmen of any town or the county commissioners fail, for more than thirty days thereafter, to recommend a suitable person for the office, then such appointment may be made by the Governor and Council upon the recommendation of the State Board of Charities and Corrections in the same manner as though the recommendation had been made in the first instance by the county commissioners.

—filling of vacancies.

CHAP. 320

Ch. 123, Sec.
2, P. L.,
1905,
amended.

Agents
shall inves-
tigate cases
of cruel or
injurious
treatment
of children.

—agents,
how com-
pensated.

Claims
shall be au-
dited by
State Board
of Charities
and Cor-
rections.

—fines paid
to county
treasurer.

Ch. 61, Sec.
45, R. S.,
amended.

Magis-
trate or
judge shall
issue war-
rant upon
complaint
to have
child
brought be-
fore him.

Section 4. Section two of chapter one hundred twenty-three of the Public Laws of nineteen hundred five is hereby amended to read as follows:

‘Section 2. Any agent for the protection of children appointed as aforesaid 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. Said agents shall be ex-officio agents of the State Board of Charities and Corrections, and the said Board shall advise and instruct said agents in the performance of their duties, and the said agents shall file with the said Board such reports of cases investigated and children taken into custody by or through their efforts as said Board may require. For their services in conducting investigations, making inspections and performing such other duties as are required by this act, said agents and officers shall be paid their actual expenses and compensation at the rate of two dollars 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 investigations and inspections or performing such other duties, 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 by the State Board of Charities and Corrections before they are 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 for the county in which the offense may have been committed.’

Section 5. Section forty-five of chapter sixty-one of the Revised Statutes is hereby amended to 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, or from the town where the child has legal settlement, if any, or if the child is without settlement in any town, then from the State.'

Section 6. Any minor child who shall come in any way under the provisions of this act, when placed in a family, shall be placed in a family of the same religious faith as that of the

CHAP. 320

Child may be placed in institution or suitable place away from parents.

—proviso.

—expense, how borne.

Agent shall place child in family of same religious faith.

CHAP. 320 parents or surviving parent of such child, where a suitable family of such faith can be found willing to take such child. Any written promise made to either parent in such manner shall be faithfully carried out by the agent.

—when such family cannot be found.

If such family cannot be found, then such child shall be placed in an institution maintained for children of such faith. In case no institution of such faith exists in this State or is able to take said child, then it may be placed in such family or institution as may be approved by the State Board of Charities and Corrections until such a family has been secured; provided, however, that if the parents of such child are of different religious faiths, or the faith of its parents cannot for any reason be ascertained, then such child shall be placed in a family or institution of that religious faith in which such child has been reared and educated, but where no such family or institution can be found to take such child, then in some family or institution approved by said board until such family or institution can be found.

—proviso.

—religious belief of parents shall not be denied the child.

No child when placed in any home or institution shall be denied the opportunity of attending the religious worship or exercising the religious belief of its parents or surviving parent or in which it was reared and educated.

No child under sixteen shall be placed in almshouse. —exception.

Section 7. No child under sixteen years of age shall be placed in any almshouse in this State or be suffered by the overseers of the poor to remain in such almshouse except in cases of emergency, and then for a period not exceeding sixty days, provided that children under two years of age may be kept in almshouses when their mother is also an inmate. Whenever any children under sixteen years of age are placed or allowed by the overseers of the poor to remain in almshouses, notice of that fact, giving the name, parentage and such other facts as the State Board of Charities and Corrections may require, shall be sent by the overseers of the poor to the said board within forty-eight hours of the entrance of such child into the almshouse.

Persons maintaining homes or maternity hospitals shall have license.

Section 8. It shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity hospital, to conduct or maintain a boarding house or home for three or more children under sixteen years of age, unattended by parents or guardians, excepting children related to him by blood or marriage, or who have been legally adopted by him, or to engage in, or assist in conducting a business of placing out or finding homes or otherwise disposing of children under sixteen years of age, without having in full force a written

license therefor from the State Board of Charities and Corrections, provided, that nothing in this section shall apply to any institution already under the supervision of the State Board of Charities and Corrections by the provisions of chapter one hundred ninety-six of the Public Laws of nineteen hundred thirteen.

Section 9. Section fifty of chapter sixty-one of the Revised Statutes is hereby amended so that the same shall read as follows:

Ch. 61, Sec. 50, R. S., amended.

'Section 50. Any town or county incurring expenses under the five preceding sections, or under section two of chapter one hundred twenty-three of the Public Laws of nineteen hundred five as amended by section four of this act, through the fault of parents who are able properly to support and educate their children, but wrongfully neglect and refuse to do so, may recover of them in an action of debt, the amount so expended.'

—expenses may be recovered, when.

Section 10. Any official or person who shall wilfully fail, neglect or refuse to perform any of the duties imposed upon him by the provisions of this act, shall be fined not more than five hundred dollars, or be imprisoned for not more than six months.

Penalty for failure to perform duty.

Approved April 2, 1915.

Chapter 321.

An Act to Amend Sections Fifty-four and Sixty-five of Chapter Eight of the Revised Statutes, as Amended by Chapter Forty-nine of the Public Laws of Nineteen Hundred Nine, Relative to the Taxation of Mortgages on Real Estate in Savings Banks and Trust and Banking Companies.

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

Section 1. Section fifty-four of chapter eight of the Revised Statutes, as amended by section two of chapter forty-nine of the Public Laws of nineteen hundred nine, is hereby further amended by inserting after the word "stockholders" in the twelfth line the words 'investments in such notes and bonds secured by mortgages on real estate in this State as are exempt from taxation in the hands of individuals,' and by striking out the words "investments in mortgages on real estate in this State" found between the word "State" in the seventeenth line and the word "securities" in the eighteenth line, so that said section as amended shall read as follows:

Ch. 8, Sec. 54, R. S., as amended by Ch. 49, Sec. 2, P. L., 1909, further amended.

'Section 54. The Board of State assessors shall thereupon determine the values of the several franchises of the said banks and institutions according to the following rule: from the aver-

Values of franchises, how to be determined.