

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

THE LEWISTON JOURNAL CO.
LEWISTON, MAINE
1917

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

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designation. The names of candidates nominated by any party shall be grouped together upon the ballot. Above each group shall be placed the name of the political party by which the candidates comprising such group were placed in nomination, or the political designation as described in the certificate of nomination, or nomination papers, under a square. Below the name of each candidate for any office in any group there shall be left a blank space in which the voter may write the name of any person for whom he desires to vote as a candidate for such office; at the right of each name and at the right of the blank space above provided for there shall be left a blank square in which the voter may make a cross mark (X). If only one person be nominated by any party, or under any political designation, his name with the office for which he is a candidate shall be printed by itself under the name of such party or political designation. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people such question or questions shall be printed upon a separate ballot. The ballots shall be so printed as to leave a blank space, above such amendment or question so as to give each voter a clear opportunity to designate by a cross mark, (X) therein, his answers to the questions submitted and on the ballot may be printed such words as will aid the voter to do this as "yes," or "no," and the like. The ballot shall be not less than four inches in width and not less than six inches in length. Before distribution the ballots shall be so folded in marked creases that their width and length when folded shall be uniform. On the back and outside, when folded, shall be printed "Official Ballot for," followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the secretary of state or city clerk who has caused the ballot to be printed. Except as otherwise herein provided, ballots shall be printed upon clean white paper without any distinguishing mark or figures thereon.

Approved April 7, 1917.

Chapter 297.

An Act to Amend Sections Forty-nine, Fifty, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty-six and Fifty-seven of Chapter Sixty-four of the Revised Statutes, Relating to the Protection of Neglected Children.

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

Sec. 1. R. S., c. 64, § 49, relating to appointment of agent for protection of children, amended. Section forty-nine, chapter sixty-four, revised statutes, is hereby amended to read as follows:

'Sec. 49. Application for appointment to be made by county commissioners; only one agent to a county; certain power curtailed. Upon application by 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,

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and a report thereon to be made to him; 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 as an "agent for the protection of children" to serve within and for the county for which she or he shall be appointed and to perform such duties as may be required by the following sections of this chapter; provided that there shall not be more than one commission which has been issued under the provisions of this section as amended in force for any county at one and the same time, but this proviso shall not serve to terminate the commission of any agent now holding office, nor, exclusive of fees, to reduce the rate of compensation of such agents.'

Sec. 2. R. S., c. 64, §. 50, relating to appointment of agent when no recommendation is made, amended. Section fifty of said chapter sixty-four is hereby amended to read as follows:

'Sec. 50. Procedure when county commissioners fail to recommend for filling vacancy; compensation. If any vacancy occurs in the office of the agent for the protection of children in any county, and the county commissioners fail, for more than thirty days thereafter, to recommend a suitable person for the office, 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, and in such case the compensation which the said agent shall receive shall be fixed by said state board but shall not exceed three dollars per day.'

Sec. 3. R. S., c. 64, §. 51, relating to investigation by agents, amended. Section fifty-one of said chapter sixty-four is hereby amended to read as follows:

'Sec. 51. Compensation of agents to be not less than \$2.50 per day; other officers, how and when paid. Any agent for the protection of children appointed as aforesaid and all sheriffs, deputy sheriffs, police officers, constables and overseers of the poor shall investigate all cases of cruel or injurious treatment of children coming to their knowledge, and shall cause offenders against any law concerning the protection of children or prevention of cruelty to the same to be prosecuted. Said agents shall file with the state board of charities and corrections such reports of cases investigated and children taken into custody by or through their efforts as the said board may require and the said board shall direct them in the performance of their duties. For their services in conducting investigations, making inspections and performing such other duties as are required by the last twelve sections of this chapter, said agents shall be paid by the county their actual expenses, including the cost of maintaining and caring for children pending continuance before hearing, and compensation at such rate which shall not be less than two dollars and fifty cents per day, as the county commissioners of their respective counties shall determine, provided that all claims of such agents for expenses and services shall first be audited by the said state board before they are approved by the county

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commissioners of the county liable to pay for the same. Sheriffs and deputy sheriffs shall be paid by their respective counties their actual expenses and compensation, where no salary is paid, at the regular per diem rate fixed by law for their respective offices; police officers, constables and overseers of the poor shall be paid by their respective towns their actual expenses and the usual compensation allowed for the performance of the duties of their respective offices; and for the service of any process, civil or criminal, which they may be authorized to serve by the terms of this section said sheriffs, deputy sheriffs, police officers and constables shall be allowed the same fees as are now allowed officers by law for the service of any similar process. All fines imposed for the punishment of offenses under the last twelve sections of this chapter shall be paid over to the county treasurer for the county in which the offenses may have been committed.'

Sec. 4. R. S., c. 64, §. 52, relating to authority of agent and officers, amended. Section fifty-two of said chapter sixty-four is hereby amended to read as follows:

'Sec. 52. Agents to have same powers as sheriffs, police officers, etc.; shall not be entitled to fees. Any agent appointed as aforesaid may arrest and bring before any court or magistrate having jurisdiction, any person offending against any law concerning the protection of children or the prevention of cruelty to the same, or serve any process, civil or criminal, provided for by the terms of said laws or required for the enforcement of the same, in the same manner and with the same powers in the premises as any sheriffs, deputy sheriff, police officer or constable, but said agents shall not be entitled to any fees therefor. Any such agent, sheriff, deputy sheriff, police officer, constable or overseer of the poor, may lawfully interfere to prevent the perpetration in his presence of any such offense or act prohibited by any 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, constable or overseer of the poor 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.'

Sec. 5. R. S., c. 64, §. 53, relating to complaint and hearing in cases of alleged abuse of children, amended. Section fifty-three of said chapter sixty-four is hereby amended to read as follows:

'Sec. 53. Complaint, by whom and to whom made; when case continued overseers of poor to be notified; copy of commitment sent to state board of charities and corrections; state board to keep a record of cost; custody of child when vacancy occurs in office of agent. When complaint in writing signed by any such agent so appointed, any sheriff, deputy sheriff, police officer, constable or overseer of the poor 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 the probate court or the nearest municipal or police court in the county in which the said city or town 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 parent or parents is not provided with suitable food, clothing or privileges of education or is kept at or allowed to frequent any disorderly house, house of ill fame, gambling place or other 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 or other person having legal custody of such child, if any, for such length of time as the judge or magistrate may see fit, either by service in hand or by publication in such manner as the judge or magistrate may direct; the judge or magistrate, if he deems it necessary, in his discretion may order or continue the case for hearing and shall cause notice in writing of such continuance or hearing to be given to the overseers of the poor of the town where the child is residing at least ten days before the date set for hearing, provided, however, that the overseers of the poor may waive such notice. Pending any such continuance of the case before hearing, if the circumstances appear to require it, the judge or magistrate shall order the child into the care and custody of an agent for the protection of children or any suitable person consenting to receive it; and after hearing, if it shall appear 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, the magistrate or judge shall order said child temporarily into the custody of any institution provided by the city or town for the purpose or of any such agent or his successor in office, and cause a copy of the order of commitment to be sent forthwith to the state board of charities and corrections, and the expense of the support of said child from the time said judge shall order said child temporarily into the custody of such institution or agent until suitable permanent provisions can be made therefor or until said child arrives at the age of sixteen years if a male and eighteen years if a female, 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 sixty of this chapter, or from the town where the child has a legal settlement, if any, or if the child shall not appear to have a legal settlement in any town, then from the state. The state board of charities and corrections shall devise and keep a record, so far as obtainable, of the cost to each town and the state, of caring for the children in the custody of said agents. Whenever a vacancy occurs in the office of agent for the protection of children any child or children in the custody of the agent whose office has been terminated shall be in the custody of the state board of charities and corrections under the same condition as though by order of court until a successor to such agent has been appointed and qualified or until further orders of court making the order of commitment to temporary custody.'

Sec. 6. R. S., c. 64, §. 54, relating to petition by institution for custody of child, amended. Section fifty-four of said chapter sixty-four is hereby amended to read as follows:

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'Sec. 54. Permanent commitment; hearing to be held; notice to be given; appeal; agent to retain custody. When the superintendent or matron of any such institution or any such agent is able to find a suitable charitable institution or private person, giving preference to such near relatives as can be found, who will consent to receive, support and educate any child committed to said institution or agent under the provisions of the preceding section, said superintendent, matron or agent shall forthwith notify the judge of probate of the county in which the child was residing at the time of the issuance of the order of temporary commitment to said institution or agent, recommending the permanent commitment of such child to such charitable institution or person; the judge of probate shall order hearing, not less than ten days notice in writing to be given to the state board of charities and corrections at its office at the state house and to the clerk or recorder of the court ordering the temporary commitment, and if their whereabouts are known and if not by publication, to the parents or parent and various other parties in interest; if, upon hearing, it appears suitable and proper that such child shall continue to be supported and educated away from its parents or parent and the judge or magistrate shall deem suitable the charitable institution or private person recommended by said superintendent, matron, or agent, he shall order the child into the care and custody of such charitable institution or person, provided that such institution or person consents to receive, support and educate said child, and shall cause a copy of such order to be transmitted to said state board. 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 said child as specified in section thirty-eight of chapter seventy-two, revised statutes, but such orders shall not extend beyond the time when the child arrives at the age of twenty-one years if a male and eighteen years if a female, and said agent, institution or private person shall have full custody and control over said child thereafter for said time, and when the permanent order of commitment provided for in this section has been given, said charitable institution or private person shall have authority alone to give the consent required in section thirty-six of said chapter seventy-two. An appeal may be taken from the order of any probate, municipal or police court determining the temporary or permanent custody of a child under the provisions of this act, to the next term of the supreme judicial court to be holden within the county in which said probate, municipal or police court is situated, provided that in counties having a superior court such appeal from any municipal or police court shall lie solely to said superior court. The proceedings under such appeal shall follow the forms prescribed for appeals from probate courts or the provisions of any special charter of the municipal or police court concerned, but pending action upon any such appeal, the judge or magistrate of the court may order the custody of the child to be retained by said agent.'

Sec. 7. R. S., c. 64, §. 56, relating to religious training of child, amended. Section fifty-six of said chapter sixty-four is hereby amended to read as follows:

'Sec. 56. Written promise made by either parent to be carried out by agent, institution or private persons. Any child who shall come in any way

under the inspection or supervision of the state board of charities and corrections or under the provisions of the last twelve sections in this chapter, shall, when placed in a family be placed in a family of the same religious faith as that of the 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 by either parent shall be faithfully carried out by the agent, institution or private person concerned. If such family can not 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 care of 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. 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.'

Sec. 8. R. S., c. 64, §. 57, relating to prohibition against placing child in almshouse, amended. Section fifty-seven of said chapter sixty-four is hereby amended to read as follows:

'Sec. 57. Children in need of medical treatment may receive same in hospitals or infirmaries connected with almshouses; may be kept in almshouses when subject for school for feeble minded, until commitment can be made; provisions. 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; provided further, that with the consent of the state board of charities and corrections children when in need of medical or surgical treatment may be kept in hospitals or infirmaries connected with such almshouses for such length of time as they are in need of such treatment; provided also that when upon a certificate of two physicians who are graduates of some legally organized medical college and have practiced three years in this state. it shall be made to appear that any child is a proper subject for the state school for the feeble minded, such child may with the consent of and under such regulations as the state board of charities and corrections may determine, be kept in the almshouse until such time as it can, under the provisions of section forty-nine, chapter one hundred forty-five, revised statutes, be committed to said school. Whenever any child or children under sixteen years of age are placed or allowed by the overseers of the poor to remain in an almshouse, or in hospitals or infirmaries connected therewith, 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

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poor to said board within forty-eight hours of the entrance of such child into the almshouse, infirmary or hospital. A similar notice within the same time shall be sent by the overseers of the poor to the said board when the child is discharged from said almshouse, hospital or infirmary.'

Sec. 9. Inconsistent statutes repealed. All acts and parts of acts inconsistent with the foregoing are hereby repealed.

Approved April 7, 1917.

Chapter 298.

An Act to License and Regulate the Business of Making Loans in Sums of Three Hundred Dollars or Less, at a Greater Rate of Interest than Twelve Per Centum Per Annum, and Regulating the Assignment of Wages or Salaries Given as Security therefor.

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

Sec. 1. Loans; persons, etc., charging more than twelve per cent interest annually, must procure license; license fee, bond, provisions, etc. No person, copartnership or corporation shall engage in the business of making any loan of money, credit, goods or choses in action in the amount or to the value of three hundred dollars, or less, whether secured or unsecured, and charge, contract for or receive a greater rate of interest than twelve per centum per annum therefor, without first obtaining a license from the state bank commissioner. Application for such license shall be in writing and shall contain the full name and address, both of the residence and place of business, of the applicant, and if the applicant is a copartnership, of every member thereof, or if a corporation, of every officer thereof; also the county and municipality, with street and number, if any, where the business is to be conducted. Every such applicant, at the time of making such application, shall pay to the bank commissioner the sum of fifty dollars as an annual license fee and in full payment of all expenses of examinations under and administration of this act. The applicant shall also, at the same time, file with the bank commissioner a bond in which the applicant shall be the obligor, in the sum of one thousand dollars with one or more sureties to be approved by said bank commissioner; which bond shall run to the bank commissioner of the State of Maine for the use of the state and of any person or persons who may have a cause of action against the obligor of said bond under the provisions of this act, and shall be conditioned that said obligor will conform to and abide by each and every provision of this act and will pay to the state and to any such person or persons, any and all moneys that may become due or owing to the state and to such person or persons from said obligor, under and by virtue of the provisions of this act. If in the opinion of the bank commissioner the bond shall at any time appear to be insecure or exhausted, or otherwise doubtful, an additional bond in the sum of not more than one thousand dollars satisfactory to the bank commissioner shall be filed, and upon failure of the obligor to file such additional bond, the license shall be revoked by the bank commissioner.