

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Ninth Legislature

1919

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Chapter 171.

An Act to Amend Sections Forty-nine, Fifty, Fifty-one, Fifty-three, Fifty-four, Fifty-five, Fifty-nine and Sixty, and to Repeal Section Fifty-two of Chapter Sixty-four of the Revised Statutes, as Amended by Chapter Two Hundred and Ninety-seven of the Public Laws of Nineteen Hundred and Seventeen, Relating to the Protection of Children.

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

Sec. 1. R. S., c. 64, §§ 49, 50, 51, 53, 54, 55, 59 and 60; 1917, c. 297; relating to protection of neglected children, amended. Sections forty-nine, fifty, fifty-one, fifty-three, fifty-four, fifty-five, fifty-nine and sixty of chapter sixty-four, revised statutes, as amended by chapter two hundred and ninety-seven, public laws of nineteen hundred and seventeen are hereby amended to read as follows:

'Sec. 49. Designation of state and municipal boards changed. The state board of mother's aid, as now or hereafter constituted, under the provisions of chapter two hundred and twenty-two, public laws of nineteen hundred and seventeen, and any acts amendatory thereof, is hereby constituted a state board of children's guardians, hereinafter referred to as the state board, and in each city, town or plantation, the municipal board of mother's aid, as provided for in said chapter two hundred and twenty-two, and acts amendatory thereof, is hereby constituted a municipal board of children's guardians, hereinafter referred to as the municipal board.'

'Sec. 50. Compensation of probation officers for services. County probation and associate probation officers performing any of the duties specified in the following sections of this chapter shall be allowed, by their respective counties, their actual expenses and such compensation as their respective boards of county commissioners may from time to time determine.'

'Sec. 51. Investigations and prosecutions. All municipal boards, their agents and employees, all county probation officers and associate probation officers, and the state board and its agents, so far as funds are available, shall investigate all cases of cruel or injurious treatment of children coming to their knowledge, and shall cause offenders against any law for the protection of children or prevention of cruelty to the same to be prosecuted. The costs of court proceedings under this act shall be taxed and paid in the same manner as in any criminal process. All fines imposed for the punishment of offenses under any of the last twelve sections of this chapter shall be paid over to the county treasurer of the county in which the offenses may have been committed.'

'Sec. 53. Warrants to be issued on complaint of cases of neglect to children; child may be given into custody of individual or child welfare institution; court may direct municipal board to care for child pending

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hearing. When complaint in writing signed by any agent of the state board, sheriff, deputy sheriff, county probation officer or associate probation officer, police officer, constable, member or agent of a municipal board, or any officer or agent of any society for the protection of children or prevention of cruelty to children or by three or more citizens of any town or city is made under oath to the probate court of the county or the municipal or police court having jurisdiction in the said city or town, alleging that such child in such city or town 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 places injurious to the health and 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 be made for the care, custody, support and education of the child named in such complaint, the court to whom such complaint is made shall issue a warrant causing the parents or other persons having custody or control of such child, if any, and the child if necessary to be brought before it, or shall cause notice to be given to said parents or said other persons in such manner or in such length of time as the court deems proper. The court shall cause notice in writing to be given to the municipal board of the town where the child is residing at least ten days before the date set for the hearing, provided, however, that the municipal board may waive such notice. If upon hearing it shall appear that any material allegations of said complaint are true, the court may order said child into the custody of any suitable person or any duly incorporated children's institution or child welfare organization consenting to receive same, whose standards of care and maintenance are approved by the state board or into the custody of the state board itself. The court shall cause a copy of the order of commitment and of any subsequent modifications thereof to be sent forthwith to the state board. The court may direct the municipal board where the child is residing to make such provision for its care as may be necessary pending hearing and the expense, if any, of such care shall be paid in the same manner as provided in section fifty-five of this act for the care of children committed to children's institutions or child welfare organizations or the state board.'

'Sec. 54. Orders of court to divest parent of legal rights, but not to relieve of responsibility for support; appeal; condition of child may be investigated and decree altered. Orders and decrees provided for in the preceding sections shall have the same effect to divest the parent or parents of all legal rights in respect to said child as specified in section thirty-eight of chapter seventy-two, revised statutes, but shall not relieve the

parent or parents of liability for the support of such child, or from the penalties for failure to support which are provided in sections thirty-eight, thirty-nine, forty and forty-one of chapter one hundred and twenty of the revised statutes. Such orders shall not extend beyond the time when the child arrives at the age of twenty-one years. The children's institution or organization or state board to which said child is committed shall have full custody and control over said child thereafter for said time, and shall have authority to give the consent required in section thirty-six of said chapter seventy-two. An appeal may be taken from the order or decree of any probate, municipal or police court determining the custody of the child under the provisions of this act to the next term of the supreme judicial court to be holden within the county not earlier than fourteen days after the signing of said order or decree, provided that in counties having a superior court said appeal from any municipal or police court shall lie solely to said superior court next to be holden not earlier than fourteen days after the signing of said order or decree. The proceedings under such appeal from a probate court shall follow the form prescribed for appeal from probate courts and under such appeal from a municipal or police court shall follow the provisions of any special charter of the municipal or police court concerned, but pending action upon any such appeal the court may order the custody of the child to be retained by said suitable person, children's institution or child welfare organization or state board. Upon application by the state board, by a municipal board, by the parents or parent of any such child, or by the children's institution or child welfare organization or suitable person to which such child may have been committed to the court making the commitment, said court shall examine into the conditions and welfare of the said child, and may at any time make such further order in relation to his care, custody, support and education as justice may demand.'

'Sec. 55. Bond required when child given into custody of individual; state board may provide for maintenance and education; state to recover from town; children or parents not to be considered paupers. Whenever the court deems it suitable and conducive to the public welfare that any such child be placed under the control of an individual, the court shall first take a bond from such person running to the state in such sum and with such sureties as the court approves, conditioned that such person shall humanely treat and properly support, clothe and educate the child, and in case of non-performance of the conditions of said bond a suit may be commenced thereon and the sum so recovered shall be paid into the treasury of the state for the joint benefit of the state and town of settlement, if any, of said child in proportion to the amount of expense incurred by the state and said town because of the failure of said person so to treat, support, clothe and educate said child. The state board shall pro-

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vide for the maintenance and education in or by duly incorporated children's institutions and child welfare organizations, where such are available, and otherwise direct in family homes, of any children committed to its custody under the provisions of the preceding sections. Bills itemizing the expense of maintenance and education of children committed under the provisions of this chapter, when approved by the state board and audited by the state auditor, shall be paid by the treasurer of the state, who shall recover from the town of settlement, if any, of any such child, one-half, but not exceeding an average of two dollars per week, of any such payments on account of said child. At the request of the parents or next friend of any dependent child under sixteen years of age who is without parent or grandparent of sufficient ability, or without other relatives able and willing to provide for its care, said request being approved by the municipal board of the city or town where the child is domiciled or by any duly incorporated children's institution or organization, the state board may make similar provision, without intervention of court, for the care of such child. No such child, nor the parents or grandparents of such child who are unable to provide for its care, shall be deemed paupers by reason of any care furnished to the child under the provisions of this act.'

'Sec. 59. Parents or guardian may petition for restoration of custody. Whenever a child is in the custody of any children's institution, or child's welfare organization, or suitable person or of the state board, the parents or either of them may make application in writing to any justice of the supreme judicial court to have its custody restored to him or them, such notice on the application and the time and place of the hearing thereon as the court orders, shall be given to such person, institution or organization or to the state board and to the municipal board of the town where the proceedings therein were commenced; and if, upon such hearing it appears that the applicant is of sufficient ability and inclination suitably to provide for maintenance and education of said child, and that justice requires that its custody be restored to said applicant, the judge shall so order, and the custody and control of said child shall thereafter be given to said applicant until the further order of the court.'

'Sec. 60. State or town may recover from parents. The state, any town or county incurring expenses under sections fifty-one, fifty-three, fifty-four, fifty-five and fifty-nine of this chapter, through the fault of parents who are able to support and educate their children, but wrongfully neglect and refuse to do so, may recover of them or either of them, in an action of debt, the amount so expended.'

Sec. 2. Inconsistent statutes repealed. Section fifty-two of said chapter sixty-four as amended and all other acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 4, 1919.

Chapter 172.

An Act Amendatory of and Additional to Chapter One Hundred and Ninety-seven of the Public Laws of Nineteen Hundred and Seventeen, and Chapter Three Hundred and One of the Public Laws of Nineteen Hundred and Seventeen, Relating to the State Department of Health.

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

Sec. 1. 1917, c. 197, § 8; relating to annual appropriation for state department of health, amended. Section eight of chapter one hundred and ninety-seven of the public laws of nineteen hundred and seventeen is hereby amended by striking out the word "thirty" in the first line thereof and inserting in place thereof the word 'thirty-eight'; also by striking out the words "state department of health" in the second and third lines of said section and by inserting in place thereof the words 'for the purposes set forth in sections one to six inclusive and section seven of said act', so that, as amended, said section shall read as follows:

'**Sec. 8. Annual appropriation for purposes of seven preceding sections increased to \$38,000.** The sum of thirty-eight thousand dollars shall be annually appropriated for the purposes set forth in sections one to six inclusive and section seven of said act.'

Sec. 2. 1917, c. 197, § 10; repealing inconsistent statutes and relating to penalties, amended. Chapter one hundred and ninety-seven of the public laws of nineteen hundred and seventeen is hereby amended by striking out the whole of section ten thereof and by adding to said chapter the following sections, to read as follows:

'**Sec. 10. Municipalities required to employ local health officer; state commissioner to appoint in case of failure; state aid under certain circumstances.** Every city, town and organized plantation shall employ an official who shall be known as the local health officer and who shall be appointed by the officers of the municipality subject to the approval of the state commissioner of health. Upon the failure to fill said office as hereinbefore stated within thirty days after a vacancy occurs therein the state commissioner of health may appoint said official. The local health officer shall be ex-officio a member and the executive officer of the local board of health, or at the option of the municipal officers, may take the place of the local board of health. He may be employed to devote a part or all of his time to the performance of the duties of his office. If em-