

# 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

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keep a true and exact account of all moneys which he receives, or is entitled to receive, for services by virtue of his office, and shall pay the same to the county treasurer for use of the county in the manner required by law; all other moneys belonging to the county shall be paid in thirty days after they are received by him; and if, in either case he neglects to do so, he shall pay twenty-five per cent interest thereon until paid; and the county treasurer shall notify the treasurer of state of any such known delinquency, and the clerk's bond shall then be sued. Proceeds of all sales of property made under the decree of the supreme judicial court and any and all other sums of money from whatever source derived in civil proceedings coming into the custody of the supreme judicial court shall be deposited in such depository as the court shall designate, and shall be withdrawn therefrom upon order of the clerk of courts, countersigned by any justice of the supreme judicial court in term time or vacation. The court or any justice thereof in term time or vacation shall designate some proper bank or trust company as the depository for the funds hereinbefore referred to, and such designation shall be minuted on the docket of the court. At each regular term of court in each county, the presiding justice shall verify the account kept with such depository and shall cause to be minuted on the docket of such court that he finds the same to be accurate and duly vouched. He shall affix his signature to such certificates on the docket. Clerks of courts in the several counties shall keep a regular book containing the account of such funds showing the deposits and all accumulations thereof, and the amounts withdrawn therefrom, specifying the date of such withdrawal and the case to which such matters relate. All deposits shall be in the name of the court.' °

Approved April 4, 1919.

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## Chapter 182.

An Act to Establish a State Reformatory for Men.

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

**Sec. 1. Reformatory for men over sixteen years old to be established.**

The state shall establish and maintain a reformatory in which all males over the age of sixteen years who have been convicted of or have pleaded guilty to crime in the courts of this state or of the United States, and who have been duly sentenced and removed thereto, shall be imprisoned and detained in accordance with the sentences or orders of said courts and the rules and regulations of said reformatory.

**Sec. 2. Trustees to be appointed; tenure of office; vacancies.** Immediately after the passage of this act the governor shall, with the advice and consent of the council, appoint five persons, all of whom shall be inhab-

itants of this state, to be trustees of such reformatory. The terms of office of such trustees shall be five years, subject to removal by the governor and council for cause shown, and they shall be so appointed that the term of one of them shall expire on the first Tuesday of February in each year. Any person appointed to fill a vacancy in the board of trustees shall hold office for the remainder of the term of the person whom he succeeds.

**Sec. 3. Duties of trustees; to act as board of parole.** Said board of trustees shall have general superintendence, management and control of said reformatory, of the grounds and buildings, officers and employees thereof, of the inmates therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof, and may make such rules and regulations as may seem to them fitting and necessary for carrying out the purposes of the institution. Such board of trustees shall constitute a board of parole and shall have power to parole or discharge inmates therein as hereinafter provided.

**Sec. 4. Organization of trustees; appointment and compensation of superintendent.** The board of trustees shall appoint from among its members a president and secretary, who shall hold office for such duration of time as the board may determine. They shall appoint a superintendent who shall hold office during the pleasure of said trustees, and shall fix his compensation as well as the compensation of all other officers and employees. No member of the board of trustees shall be eligible to appointment as superintendent during the term for which he has been appointed a trustee.

**Sec. 5. Powers and duties of superintendent.** The superintendent shall, subject to the direction and control of the board of trustees:

First. Have the general supervision and control of the grounds and buildings of said reformatory, the subordinate officers and employees and inmates thereof, and all matters touching their government and control.

Second. Make such rules, regulations and orders not inconsistent with law, or the rules and regulations or directions of the trustees, as may seem to him proper and fitting for the government of the reformatory and its officers and employees, and for the employment, discipline and education of the inmates thereof.

Third. Exercise such other powers and perform such other duties as the board of trustees may prescribe.

Such superintendent shall have power to appoint and remove all subordinate officers and employees.

**Sec. 6. Trustees to make annual report.** On or before the thirtieth of September in each year, the trustees shall furnish a report to the gov-

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ernor and council, containing a history of the institution for the year ending on the thirtieth of June preceding, and a complete statement of all accounts, with all the funds, general and special, appropriated or belonging to said institution and a detailed statement of disbursements.

**Sec. 7. Commitments for less than five years to be of indeterminate duration.** When a male over the age of sixteen years is convicted before any court or trial justice having jurisdiction of the offense, of an offense punishable by imprisonment in the state prison, or in any county jail, or in any house of correction, such court or trial justice may order his commitment to the reformatory for men, or sentence him to the punishment provided by law for the same offense. When a male is sentenced to the reformatory for men, the court or trial justice imposing the sentence shall not prescribe the limit thereof, unless it be for a term of more than five years, but no man committed to the reformatory upon a sentence within the prescribed limit, as aforesaid, shall be held for more than five years if sentenced for a felony; nor for more than three years if sentenced for a misdemeanor after a prior conviction of crime, otherwise for not more than six months. If the sentence imposed on any man be for more than five years, he shall be so held for such longer term.

If, through oversight, or otherwise any person be sentenced to imprisonment in the said reformatory for men for a definite period of time, said sentence for that reason shall not be void; but the person so sentenced shall be entitled to the benefit, and subject to the provisions of this act, in the same manner and to the same extent as if the sentence had been in the terms required by this act. In such case said trustees shall deliver to such offender a copy of this act.

**Sec. 8. Court to notify superintendent of commitments and to furnish copy of record with warrant.** The judge or trial justice making a commitment pursuant to this act, shall cause the superintendent of the reformatory to be notified immediately of such commitment and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offense, the last residence of such person so committed, and the particulars of the offense for which he is committed. A copy of such record shall be transmitted with the warrant of commitment to the superintendent of such reformatory, who shall cause the facts stated therein and such other facts as may be directed by the board of trustees to be recorded in such form as the trustees may direct.

**Sec. 9. Court to determine age of person committed.** Such judge or trial justice shall, before committing any such person, inquire into and determine the age of such person at the time of commitment, and his age so determined, shall be stated in the mittimus. The statement as to the

age of said person so committed shall be conclusive evidence as to such age in any action to recover damages for his detention or imprisonment under such mittimus, and shall be presumptive evidence thereof in any other inquiry, action or proceeding relating to such detention or imprisonment.

**Sec. 10. Conditions of parole; penalty for aiding inmate to escape; costs of trial and commitment of inmates of reformatory.** When it is made to appear to the trustees that a person who has been committed to the reformatory has reformed, they may issue to him a permit to be at liberty providing that some suitable employment or situation has been secured in advance for such person, and upon such other conditions as the trustees shall prescribe during the remainder of the term for which he might otherwise be held in said reformatory, and they may revoke such permit at any time before its expiration; but no such permit shall be issued to any person who has been sentenced to said reformatory for more than five years. If any permit so issued is revoked by the trustees, or if any person so committed shall escape from said reformatory, the board of trustees may cause him to be re-arrested and returned thereto for the unexpired portion of the original term for which he was sentenced, dating from the time of escape or the revocation of the said permit. Any inmate ordered returned to the reformatory may, on the order of the superintendent or other officer of the institution be arrested and returned to the reformatory, or to any officer or agent thereof, by any sheriff, constable, police officer, state agent for the protection of children or other person, and may also be arrested and returned by any agent or officer of the reformatory.

Whoever advises, induces, aids or abets any person so committed to said reformatory or to the charge or guardianship of said trustees to escape from said reformatory, or from the custody of any person to whom such person has been entrusted by said trustees or by their authority, or knowingly harbors or secretes any person who has escaped from said reformatory, or from the custody, authority, or control of said trustees, or from any person to whom such person so committed has been entrusted by said trustees or by their authority, shall upon conviction be fined not more than five hundred dollars nor less than one hundred dollars, or be imprisoned not exceeding one year. Any person who has so escaped may be arrested and detained, without a warrant, by any officer authorized to serve criminal process, for a reasonable time to enable the superintendent or a trustee of said reformatory, or a person authorized in writing by such superintendent or trustee and provided with a mittimus by which such person was committed, or a certified copy thereof, to take such person for the purpose of returning him to said reformatory; but during such detention

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he shall not be committed to any jail, and the officer arresting him shall be paid by the state a reasonable compensation for his arrest and keeping.

Whenever any inmate of the reformatory, not having been sentenced thereto by a court of the county wherein such reformatory is situated and established shall be convicted in such county of any misdemeanor or felony committed while an inmate of said reformatory, the cost and expense of trying such convicted inmate, and of his maintenance after conviction and sentence, if to the county jail of such county, shall be paid by the county from which the said convicted inmate was sentenced, and the costs and expenses of such trial shall, in the first instance, be paid by the county wherein such reformatory shall be established, whose commissioners are thereupon authorized to draw their warrant upon the treasurer of the county, from which said convicted inmate was sentenced to said reformatory, for the amount paid as aforesaid by said county wherein said reformatory is established, for said costs and expenses which warrant it shall be the duty of the treasurer upon whom it may be drawn to pay forthwith.

**Sec. 11. Pardoning power of governor not to be abridged.** Nothing herein contained shall be construed to interfere with the pardoning power of the governor or commutation in any case.

**Sec. 12. Trustee to arrange for employment of inmates; transfer of incorrigible inmates.** The board of trustees shall determine the kind of employment for the inmates of the reformatory and shall provide for their custody and superintendence. The provisions for the safe keeping or employment of such inmates shall be made for the purpose of teaching such inmates a useful trade or profession, and improving their mental and moral condition.

The board of trustees may transfer temporarily to the state prison any person committed to the said reformatory who may be incorrigible, or whose presence in the said reformatory in the judgment of said trustees may be seriously detrimental to the well being of the institution. The trustees may subsequently by written requisition, require the return to said reformatory of any person who may have been so transferred.

**Sec. 13. Trustees to purchase site, on approval of governor and council.** The board of trustees shall, subject to the approval of the governor and council, select a suitable site for such reformatory, consisting of suitable land for said institution, a part of which land shall be arable or may be made so, to the end that, so far as practicable, the food for the inmates of said reformatory may be produced upon said land. The said board of trustees shall with the approval of the governor and council have power to purchase suitable land, with or without buildings, or to lease for a term.



of years suitable and adequate quarters for the location and establishment and for the exclusive use of the state for said reformatory.

**Sec. 14. Trustees to erect and equip suitable buildings.** The board of trustees shall proceed as soon as practicable after the purchase of the site to erect thereon and properly furnish and equip suitable buildings and structures to accomplish the objects set forth in this act, and in case of a lease of suitable quarters for said reformatory the same power as to buildings and structures and their equipment shall apply in case of purchase as aforesaid.

**Sec. 15. Compensation of trustees.** The trustees shall receive for their services in the performance of their duties connected with the obtaining and fitting up of said reformatory and for their term of service thereafterwards subsequent to the commencement of the operation of said reformatory and the receiving therein of inmates committed, the sum of five dollars per day when actually employed, and their necessary expense incurred therein.

**Sec. 16. Trustees may appoint superintendent of construction; plans and specifications of buildings.** The board of trustees shall have power to appoint a superintendent of construction for the building or remodeling of said reformatory and to employ such other persons as may be deemed necessary to secure the speedy and economical establishment of said reformatory. The plans and specifications approved and adopted by the trustees shall provide for suitable buildings, the same to be constructed in such a manner as will admit of the proper classification of all inmates according to their moral condition and the care, instruction and employment they should receive. Buildings on the site selected, if any, may be built over to meet the requirements of this act and additional and necessary buildings may be erected from time to time as occasion demands, and as the legislature shall appropriate funds therefor.

**Sec. 17. Bids to be advertised for expenditure in excess of \$500.** In the construction and remodeling of the buildings, if any there be upon the site selected, or in the improvement of the site, no expenditure of more than five hundred dollars shall be made unless the same is duly advertised and competitive bids thereon received.

**Sec. 18. Accounts to be audited by state auditor.** All bills contracted by the board of trustees, as aforesaid, in purchasing or leasing a site and improving the same and erecting, altering, repairing and equipping suitable buildings and operating the institutions shall be audited by the state auditor and paid by the treasurer of the state in the manner provided by law.

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**Sec. 19. Appropriation.** Twenty thousand dollars shall be appropriated under this act to be used and expended for the purposes herein named during the year nineteen hundred and nineteen and the sum of twenty-five thousand dollars during the year nineteen hundred and twenty.

**Sec. 20. Inconsistent statutes repealed.** All acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 4, 1919.

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## Chapter 183.

An Act to Assist in the Commercial Utilization of the Dogfish.

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

**Sec. 1. Sea Food Protective Commission created.** To meet an emergency, the governor and council shall appoint a Sea Food Protective Commission of three men who shall be practical and familiar with the costly and progressing destruction of the valuable sea and shore fisheries of Maine, by the unutilized vermin, known as the shark family,—the most destructive being the dogfish.

**Sec. 2. Duties of commission to protect sea food supply from dogfish.** The duties of this commission shall be, to do all in their power through personal interviews, correspondence, and with printed literature in a canvass of both the United States Senate and House Fisheries Committee, and members of congress and the governors of the seacoast states, members of the fishing industry, the Canadian Fisheries Department, and the "press", to show that an emergency exists and requires adequate federal legislation to protect the sea food supply of said states, by a reduction of these sharks to a point where they will no longer be a menace to the sea food supply of the people and a grave menace to the fishing industry.

**Sec. 3. Commission to distribute appropriate literature.** The commission shall distribute printed literature in their said canvass of the said states of the United States, and the governors thereof, and the members of congress, to cover the major facts contained in the costly reports and investigations made by the state of Massachusetts in nineteen hundred and five and nineteen hundred and thirteen, and the federal report of nineteen hundred and seven, relating to the progressive destruction of our sea fisheries of the states by the dogfish and other unutilized members of the shark family; also the chief facts of the Maine Dogfish Report of nineteen hundred and sixteen.

**Sec. 4. Commission to urge upon congress and federal authorities advisability of utilizing dogfish to aid agriculture.** The commission shall