

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

CHAP. 155

time when the child shall reach the age of 21 years. The children's institution or organization or suitable person or department to which said child is committed shall have full custody and control over said child thereafter for said time and, if no other guardian is appointed, the department shall have all the powers as to the person, property, earnings and education of every child committed to its custody, during the term of commitment, which a guardian has as to a ward, and shall have authority to give the consent required in section 36 of chapter 80. An appeal may be taken from the order or decree of any probate or municipal court determining the custody of the child under the provisions of sections 201 to 213, inclusive, to the next term of the superior court to be holden within the county not earlier than 14 days after the date of said order or decree. The proceedings under such appeal from the probate court shall follow the form prescribed for appeal from probate courts and under such appeal from a municipal court shall follow the provisions of any special charter of the municipal 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 department. Upon application by the department, by a municipal board, by the parent or parents or guardian 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 and may discharge any child from custody or restore its custody to its parents, or either of them, if satisfied that the objects of commitment have been accomplished; this latter provision shall not apply, however, to a child who was legally adopted subsequent to the date of commitment.'

Approved April 1, 1939.

Chapter 155

AN ACT Relating to Commitments to the Pownal State School.

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

P. L., 1933, c. 1, § 451, amended. Section 451 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 451. Judge of probate may commit. Whenever it is made to appear, upon application to the judge of probate for any county and after due notice and hearing, that any person resident in said county, or any inmate of the state school for girls, the state school for boys, the reforma-

CHAP. 156

tory for men, the reformatory for women, the military and naval children's home, or any person supported by any town, is a fit subject for the Pownal state school, such judge may commit such person to said school by an order of commitment directed to the department accompanied by a certificate of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this state, that such a person is a proper subject for said institution; provided no such order of commitment shall issue until an application for admission of such person has first been made to the department which shall be placed on file at the institution and evidence thereof presented to the judge of probate, accompanied by a certificate of the superintendent, stating, in substance, that such person will be received under the provisions of section 453, when properly committed. Whenever, upon such application, there is occasion for the judge of probate to attend a hearing on days other than days fixed as the regular day for holding the probate court, said judge of probate shall be allowed \$5 per day for his services and expenses, which shall be paid by the county treasurer upon the certificate of the county commissioners.'

Approved April 1, 1939.

Chapter 156

AN ACT Relating to Disposal of Minor Children in Divorce Proceedings.

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

R. S., c. 73, § 14, amended. Section 14 of chapter 73 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 14. Disposal of minor children; change name of wife; employ compulsory process deemed proper; expense of maintenance and education. The court making a decree of nullity, or of divorce, or any justice thereof in vacation, may also decree concerning the care, custody, and support of the minor children of the parties and with which parents any of them shall live, or grant the care and custody of said children to a third person or to some suitable society or institution for the care and protection of children or to the state department of health and welfare, alter its decree from time to time as circumstances require; change the name of the wife, at her request; and in execution of the powers given it in this chapter may employ any compulsory process which it deems proper, by execution, attachment, or other effectual form. The expense of maintenance and education of children committed to care and custody of the department of health and welfare under the provisions of this section shall be borne in accordance with the provisions of section 206 of chapter 1 of the public laws of 1933.'

Approved April 1, 1939.