

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninetieth and Ninety-first
Legislatures
OF THE
STATE OF MAINE
From April 26, 1941 to April 9, 1943
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-first Legislature

1943

attorney, and until photographs have been taken or measurements and drawings have been made to record the physical facts relative to the location and position of the body, under the supervision of the county attorney, the state police, or sheriff, or unless the attorney-general or the county attorney waives such requirements. After such photographs or such measurements and drawings have been made, or have been waived as aforesaid, and after the medical examiner has completed such examination as required of him in the following section, the body may be removed to a convenient place. The body shall not be finally released for embalming or burial, except by order of the county attorney or sheriff. If and when it shall appear to the county attorney that the case is one of probable homicide, he shall notify the attorney-general of the fact.'

Effective July 9, 1943

Chapter 322

AN ACT Relating to Jurisdiction of Municipal Courts in Criminal and Juvenile Cases.

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

Sec. 1. R. S., c. 144, § 4, amended. Section 4 of chapter 144 of the revised statutes, as revised by section 5 of chapter 118 of the public laws of 1933, and as amended, is hereby further amended to read as follows:

'Sec. 4. Criminal jurisdiction of municipal courts; juvenile courts. Each municipal court shall have jurisdiction, concurrent with the superior court and with all other municipal courts in the counties where they are located, of all crimes and offenses including violations of any statute, or by-law of a town, village corporation or local health officer, or breaches of the peace, not punishable by imprisonment in the state prison, and may for such crimes and offenses impose any of the fines or sentences provided by law to be imposed therefor.

~~Except as hereinafter provided~~ Judges of municipal courts within their respective jurisdictions shall have exclusive original jurisdiction over all offenses except for a capital, or otherwise infamous crime, committed by children under the age of 17 years, and when so exercising said jurisdiction shall be known as juvenile courts. ~~No~~ Any adjudication or judgment under the provisions of sections 5 to 5-C, inclusive, shall be that the child was guilty of juvenile delinquency and no such adjudication or judgment shall be deemed to constitute a conviction for crime ~~but the foregoing shall not apply to sentences under paragraph a of section 5-B hereof.~~ Provided, however, that for the purpose of determining the guilt of any person over

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the age of 17 years charged as an accessory to any offense committed by a child under the age of 17 years, such offense shall be deemed to be the same as if committed by a person over 17 years of age.'

Sec. 2. R. S., c. 144, § 5-B, amended. Section 5-B of chapter 144 of the revised statutes, as enacted by section 5 of chapter 118 of the public laws of 1933, and as amended, is hereby further amended to read as follows:

'Sec. 5-B. Powers of court in juvenile cases. A municipal court may place children under the age of 17 years under the supervision, care, and control of a probation officer or an agent of the department of health and welfare or may order the child to be placed in a suitable family home subject to the supervision of a probation officer or the department of health and welfare or may commit such child to the department of health and welfare or make such other disposition as may seem best for the interests of the child and for the protection of the community including holding such child for the grand jury or commitment of such child to the Pownal state school upon certification of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this state, that such child is mentally defective and that his or her mental age is 12 years or under, or to the state school for boys or state school for girls; but no boy shall be committed to the state school for boys who is under the age of 11 years and no girl shall be committed to the state school for girls who is under the age of 9 years, and no municipal court shall sentence a child under the age of 17 years to jail, reformatory or prison.

~~Unless the offense is aggravated or the child is of a vicious or unruly disposition no court shall sentence or commit a child under the age of 17 years to jail, reformatory, or prison, or hold such child for the grand jury.'~~

Effective July 9, 1943

Chapter 323

AN ACT Relating to Loss of Membership in Indian Tribes by Marriage.

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

P. L., 1933, c. 1, § 256, amended. Section 256 of chapter 1 of the public laws of 1933 is hereby amended by adding at the end thereof a new paragraph to read as follows:

'If any Indian, who is a member of either the Passamaquoddy or Penobscot tribes, marries a man or woman who is a member of neither tribe nor eligible for membership therein, he shall forfeit his membership in the tribe and shall not be eligible for adoption into the tribe during the period