

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with  
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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
ONE HUNDRED AND FOURTH LEGISLATURE  
1969

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## Chapter 85

### AN ACT Relating to Minor Children Committed to State Custody.

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

**Sec. 1. R. S., T. 22, § 3798, amended.** Section 3798 of Title 22 of the Revised Statutes is amended to read as follows:

#### § 3798. Restoration of custody

Whenever a child is in the custody of any children's institution, or ~~child's~~ child welfare organization, or suitable person or of the department, the parents or either of them may ~~make application in writing to~~ petition the Superior Court to have its custody restored to him or them; such notice on the ~~application~~ petition 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 department ~~and to the municipal board of the town where the proceedings therein were commenced.~~ If, upon such hearing, it appears that the ~~applicant~~ petitioner 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~~ petitioner, the court shall so order, and the custody and control of said child shall thereafter be given to said ~~applicant~~ petitioner until ~~the~~ further order of the court.

**Sec. 2. R. S., T. 22, § 3800, amended.** Section 3800 of Title 22 of the Revised Statutes is amended to read as follows:

#### § 3800. Penalties for violations

Whoever violates any provision of ~~section 3795~~ this chapter, or willfully fails, neglects or refuses to perform any of the duties imposed upon him by this chapter shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months.

**Sec. 3. R. S., T. 22, § 3801, additional.** Title 22 of the Revised Statutes is amended by adding a new section 3801, to read as follows:

#### § 3801. State's responsibility after death of committed child

If any minor child who has been committed by a court to the custody of the department pursuant to this chapter or Title 19, section 752, shall die while the court order of custody to the department is still in full force and effect, the department shall arrange and pay for a decent burial for such child. If administration of such deceased child's estate is not commenced within 60 days after the date of death by an heir or a creditor, then the department may petition the probate court to appoint an administrator and settle the estate of the deceased child pursuant to Title 18.