

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY LORING, SHORT & HARMON
AND
WILLIAM M. MARKS, PRINTER.
1884.

FARMINGTON STATE TEACHERS COLLEGE
LIBRARY

CHAPTER 141.

HOUSES OF CORRECTION.

COUNTY HOUSES OF CORRECTION.

- SEC. 1. County commissioners shall provide a house of correction, and appoint a master; shall supply tools and materials for work, and establish rules. Jails shall be used, until such house is provided.
2. Appointment, powers, duties and compensation of overseers.
 3. Supervision by overseers.
 4. Description of persons liable to be sent to the house of correction, and the term of their confinement.
 5. Provisions for extension of imprisonment, in case of paupers.
 6. Master shall give notice to the overseers of the poor where the house of correction is, and they to the overseers of the town where the prisoner has his settlement.
 7. Employment and restraint of prisoners.
 8. Punishment, by abridgment of food, when to be inflicted.
 9. Allowance to prisoners, from their earnings.
 10. Provision for the sick and disabled.
 11. Master shall render an account of prisoner's earnings. Special allowance to him in certain cases.
 12. Master may demand any sum due him, from the prisoner, his parents, master or guardian, or overseers of his town. Board, limited to \$2.00 a week.
 13. Suit therefor may be brought within two years.
 14. Kindred of the prisoner are liable to the master or town.

TOWN HOUSES OF CORRECTION.

- SEC. 15. Town houses of correction, and their object.
16. Overseers thereof.
 17. Of work-houses, appropriated to the like uses.
 18. Compensation of overseers and master.
 19. Duties of the overseers.
 20. Support of the prisoners.
 21. Power of overseers, to commit certain persons to such house.
 22. Form of the order for commitment.

GENERAL PROVISIONS.

- SEC. 23. Vagrant, tramp, or beggar, refusing to leave a dwelling on request, how to be punished.
24. Convicts are required to labor, and keeper may pay them net profits thereof.
 25. Committals to work-houses or houses of correction, only by magistrates.

COUNTY HOUSES OF CORRECTION.

SEC. 1. County commissioners shall erect or otherwise provide, at the expense of their county, where not already done, a convenient house of correction, with suitable adjoining accommodations, to be used for the custody, reform, and employment of offenders lawfully committed thereto; procure and keep suitable materials, implements, and other necessaries sufficient at all times to keep them at work; appoint a suitable master of such house to hold his office during their pleasure; and establish such rules and orders, not repugnant to law, as they deem necessary for the purposes aforesaid, and for managing the prudential concerns of the institution; but until such house is thus provided, the county jail may be used for that purpose.

County commissioners shall provide a house of correction. R.S., c. 141, § 1.

CHAP. 141.

Appointment, powers, duties and compensation of overseers.
R.S., c. 141, § 2.

SEC. 2. Where circumstances require it, they shall annually appoint three or five suitable and discreet persons of their county, living near such house, to be overseers thereof, who shall see that the rules and orders, established for the government thereof and of the persons confined therein, are observed; examine the master's accounts relating to the earnings of the prisoners and expenses of the institution; keep a fairly written register of all their official proceedings; make contracts for work to be done in the house with any person disposed to supply the materials therefor, and for letting out any of the prisoners to employers living near enough, in their opinion, to such house, for the overseers or master to have a general inspection of their conduct and treatment; and receive from the earnings of the prisoners, or if they are insufficient, from the county treasury, a reasonable compensation, to be allowed by the commissioners.

Supervision by overseers.
R.S., c. 141, § 3.

SEC. 3. The commissioners may remove the overseers, and fill all vacancies; and at least as often as every regular session, inquire into the state of said house, examine the register and accounts of the overseers and master, and make such legal alterations in the treatment and government of the prisoners as they deem expedient.

Persons, liable to be sent to the house of correction.
R.S., c. 141, § 4.
1876, c. 147, § 4.

SEC. 4. A municipal or police court, or trial justice in his county, on complaint under oath, may commit to said house for a term not exceeding thirty days, all rogues, vagabonds, and idle persons going about in any town in the county begging; persons using any subtle craft, jugglery, or unlawful games or plays, or for the sake of gain pretending to have knowledge in physiognomy, palmistry, to tell destinies or fortunes, or to discover lost or stolen goods; common pipers, fiddlers, runaways, drunkards, night-walkers, railers, brawlers, and pilferers; persons wanton or lascivious in speech or behavior, or neglecting their callings or employments, mis-spending what they earn, and not providing for the support of themselves and their families.

Provision for extension of imprisonment in case of paupers.
R.S., c. 141, § 6.

SEC. 5. Notwithstanding the payment of costs and expenses, if the prisoner has actually received relief as a pauper, the overseers of the poor where the house is, or of the town to which he belongs, on complaint to the justice or court by whom he was committed, may procure an extension of the confinement, for not more than thirty days at a time, by the judge or justice; and such application may be renewed, if occasion requires it, on like complaint; and in all cases the prisoners shall be brought before the justice or court to answer to the complaint.

Master shall give notice to overseers of the poor.
R.S., c. 141, § 7.
See c. 24, § 37.
—duty of overseers.
22 Me., 389.
51 Me., 458.

SEC. 6. Such masters shall, within ten days after the commitment of any person to such house of correction, give notice thereof to the overseers of the poor of the town where it is situated; and if the prisoner has actually received relief as a pauper, said overseers shall give the same notice thereof to the overseers of the poor of the town of his legal settlement, as is required in other cases in which paupers become chargeable in places where they have no legal settlement.

Employment, and restraint of prisoners.
R.S., c. 141, § 8.

SEC. 7. The master of such house may set to work all persons committed to his custody, so far as they are able, during the time of their confinement; and if their deportment renders it expedient, he may impose shackles or fetters to prevent resistance or escape, without unnecessarily inflicting pain or interrupting labor.

SEC. 8. If a prisoner is stubborn, disorderly, idle, refractory, or refuses to perform his appointed task in a proper manner, the master may abridge his supply of food until he complies with the reasonable requirements of the master and overseers.

CHAP. 141.

Punishment, by abridgment of food. R. S., c. 141, § 9.

SEC. 9. Prisoners shall be allowed two thirds of their net earnings for their support, and the residue shall belong to the master, unless they are heads of families; then the whole net profit of their labor, or so much thereof as the county commissioners order, shall be for the relief and support of them and their families.

Allowance to prisoners, from their earnings. R. S., c. 141, § 10.

SEC. 10. If any prisoner, from sickness or other cause, is unable to work so as to support himself from his share of earnings, the master shall provide for him comfortably, and be re-imbursed as hereinafter provided.

Provision for the sick and disabled. R. S., c. 141, § 11.

SEC. 11. The master shall keep an exact account of all profits and earnings of prisoners, and of his disbursements for their support, specifying the times of their commitment and liberation, and present it, on oath, to the commissioners of his county, annually and oftener if directed, and they may, in special cases, make him such further allowance as they think reasonable, for his care, labor, and services, besides the third of the earnings as before provided.

Master shall render account of prisoners' earnings. R. S., c. 141, § 12.

SEC. 12. When money is due the master from a prisoner, under this chapter, and his account is allowed and certified by the commissioners, he may demand it of the prisoner if of age, otherwise of his parent, master or guardian; and if the party liable is not able to pay, he may demand it of the overseers of the town where such prisoner has his legal settlement; *provided, however*, that the charge for board shall not exceed two dollars a week.

Master may demand sum due from prisoner. 1880, c. 202.

—proviso.

SEC. 13. At any time within two years from the date of the certificate of allowance, and fourteen days after such demand in writing, if the money remains unpaid, the master may commence his action for it, declaring as on an implied promise, and recover what is due, of the prisoner, his parent, master, guardian, or town, as the case requires, with interest after demand, and costs; if the respondent was duly notified by the commissioners before the allowance of said account, their certificate shall be presumptive evidence of its correctness; but, in either case, it may be disproved by evidence on the part of the respondent.

Suit therefor may be brought within two years. R. S., c. 141, § 14. 22 Me., 390.

SEC. 14. If there is kindred, obliged by law to maintain the prisoner, as provided in chapter twenty-four, such master, or the town obliged to pay his account, has the same remedy against such kindred, as is provided in that chapter for towns incurring expense for relief and support of paupers.

Kindred of prisoner are liable to master or town. R. S., c. 141, § 15. See c. 24, § 16.

TOWN HOUSES OF CORRECTION.

SEC. 15. A town, at its own expense, may build and maintain a house of correction, or may appropriate for such purpose in part or in whole any work-house owned by the town; and any person belonging to or found in such town, liable to be sent by a trial justice to the county house of correction, may be sent to such town house by any justice of such town, and by the like process; but this section shall not restrain

Town houses of correction, and their object. R. S., c. 141, § 17.

CHAP. 141. such justice from committing any person so liable to the county house of correction; and the respondent may appeal as in other cases.

Overseers thereof.
R. S., c. 141,
§ 18.

SEC. 16. The selectmen of such town shall annually appoint three, five, or seven discreet persons, overseers of such house, and may establish, from time to time, such rules and orders not repugnant to law, as they deem necessary for governing and punishing persons lawfully committed thereto.

Of work-houses for like uses.
R. S., c. 141,
§ 19.

SEC. 17. When a work-house is so appropriated for a house of correction, the master thereof shall be master of the house of correction; but in other cases the overseers thereof shall appoint a suitable master, removable at their pleasure.

Pay of overseers and master.
R. S., c. 141,
§ 20.

SEC. 18. The overseers and master of such town house of correction shall have such compensation as is annually voted by their towns.

Duties of overseers.
R. S., c. 141,
§ 21.

SEC. 19. The overseers, from time to time, shall examine into the prudential concerns and management of such house, and see that the master faithfully discharges his duty.

Support of the prisoners.
R. S., c. 141,
§ 22.
See § 12.

SEC. 20. Every person committed to such town house of correction shall be supplied by the keeper with a suitable quantity of bread and water, or other nourishment, as the overseers order; and all expenses incurred for commitment and maintenance, exceeding the earnings of the person confined, shall be paid by the parties liable for similar charges in the case of persons committed to a county house of correction.

Powers of overseers to commit those publicly drunk, and disturbers of the peace.
R. S., c. 141,
§ 23.
65 Me., 120.

SEC. 21. The overseers of any such town house of correction may commit thereto, for a term not exceeding forty-eight hours, any person publicly appearing intoxicated, or in any manner violating the public peace, when his safety, or the good order of the community requires it, until he can be conveniently carried before a magistrate and restrained by complaint and warrant in the usual course of criminal prosecutions.

Form of order for commitment.
R. S., c. 141,
§ 24.

SEC. 22. The form of the order for commitment may be in substance as follows:

"To A. B., master of the house of correction in the town of ———: You are hereby required to receive and keep C. D. in said house of correction for ——— hours, unless sooner discharged by our order.

E. F., } Overseers of said house
G. H., } of correction."

Any sheriff, deputy sheriff, constable, or other person to whom such order is given by said overseers, shall forthwith apprehend and convey such person to said house of correction, and deliver him to the master thereof, to be taken and kept agreeably to the order; and shall receive from the town such fees for service and travel as are allowed for service of such warrants.

GENERAL PROVISIONS.

Vagrant, tramp, or beggar, refusing to leave a dwelling-house on request, how to be punished.
1876. c. 147, § 2.

SEC. 23. If any public vagrant, tramp, beggar, or other person who goes about from place to place asking or subsisting upon charity, or without means of support, having entered a dwelling-house, remains therein to the terror or fright of any of its occupants, or refuses or neglects, on request, to depart, he shall be punished by imprisonment and labor not exceeding thirty days in any jail, work-house, house of cor-

rection, or at any town farm or alms-house in the town in which the offence was committed, and by fine not exceeding ten dollars, and in default of payment he shall be imprisoned for an additional thirty days.

SEC. 24. The keeper of the jail, work-house, house of correction, or in case of a sentence to any town farm or alms-house, the overseers of the poor of such town, or the keeper or agent of such town farm or alms-house, may require such convict to labor at any lawful work within the town where such institution is situated, and may appoint any suitable person keeper over him, and may collect and receive the wages, compensation or profits of his labor, and at the expiration of such sentence pay to the convict such reasonable compensation, as in their judgment the profits of his labor will warrant, deducting therefrom, the costs of commitment and any fine imposed under the preceding section.

SEC. 25. Persons shall be committed to work-houses, or houses of correction, only upon conviction of the offences, acts, or conditions for which such commitments are by law authorized, before some municipal or police court, or trial justice.

CHAP. 141.

Such convict may be required to labor. 1876, c. 147, § 3.

—keeper may be appointed.

—convict is entitled to the net profits of his labor, after deducting expenses.

Magistrates only shall commit. 1876, c. 147, § 4.

CHAPTER 142.

THE STATE REFORM SCHOOL. THE MAINE INDUSTRIAL SCHOOL FOR GIRLS.

THE STATE REFORM SCHOOL.

- SEC. 1. Appointment, term of office, powers, duties and pay of trustees.
2. Who may be sentenced to the state reform school.
3. Same subject; expenses of commitment and subsistence, how paid.
4. Residence, if known, shall be set out in the mittimus. Notice.
5. Superintendent may recover expenses from the town; remedy of town.
6. How boys shall be instructed and disciplined.
7. Proceedings, when trustees or superintendent do not receive a boy, or when he is incorrigible.
8. Costs of transportation shall be paid by the county.
9. Term of commitment, and effect of discharge.
10. Trustees may bind out boys on probation. When such boys may be returned to the school, to serve out alternative sentence.
11. Superintendent shall prepare a list of boys suitable to apprentice.
12. In what branches, boys shall be instructed. Trustees shall make rules and specify punishments, subject to the approval of governor and council.
13. Powers and duties of the superintendent. Bond. His books and accounts.
14. All contracts shall be made by the superintendent, and be approved by the trustees. Suits thereon.
15. Visits and examinations by the trustees; quarterly and annual reports.
16. Governor shall draw warrants for appropriations. Treasurer of state shall pay forty-two dollars annually for the library.
17. Inmates shall be classed. Solitary confinement is forbidden. Exceptions, how regulated. Denial of food is prohibited.
18. Governor shall appoint a visiting committee. Their duties and powers.

THE MAINE INDUSTRIAL SCHOOL FOR GIRLS.

- SEC. 19. Application to the probate judge or to a magistrate, for the commitment of idle or vicious girls. Notice, hearing and order.