

# MAINE STATE LEGISLATURE

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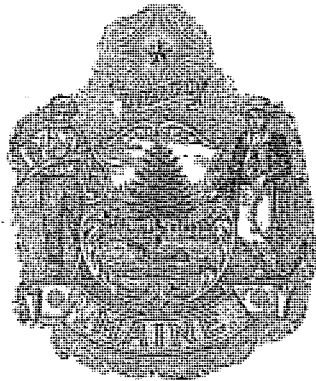
SIXTH REVISION

THE  
REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING  
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By the Authority of the Legislature

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**Sec. 16. Persons shall be committed only on conviction. R. S. c. 142, § 16.** Persons shall be committed to workhouses, or houses of correction, only upon conviction of the offenses, acts or conditions for which such commitments are by law authorized, before some municipal or police court, or trial justice. Commitments to workhouses may be for terms not exceeding three months.

Note. Masters of houses of correction and workhouses to give notice of births and deaths occurring therein, c. 64, § 26.

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## CHAPTER 144.

### State Juvenile Institutions.

**Sec. 1. Trustees, appointment and tenure. R. S. c. 143, §§ 1, 20. 1911, c. 150, §§ 1, 2. 1915, c. 152.** The government of the state school for boys, established in the city of South Portland, in the county of Cumberland, for the instruction, employment and reform of juvenile offenders, and of the state school for girls, established in Hallowell, in the county of Kennebec, for the education, employment and reform of girls, is vested in a board of trustees, consisting of five men and one woman, inhabitants of the state, who shall be known as "Trustees of Juvenile Institutions." The governor, with the advice and consent of the council, shall annually appoint a member of said board to hold office for a term of six years. Any vacancy occurring during a term shall be filled in like manner for the remainder of the unexpired term. Any trustee may be removed at any time by the governor and council, for cause.

### The State School for Boys.

**Sec. 2. Duties as to state school for boys; contract with the attorney-general of the United States, for the support of juvenile offenders. R. S. c. 143, § 1. 1911, c. 150, § 3.** The Trustees of Juvenile Institutions shall have charge of the general interests of the state school for boys, and see that its affairs are conducted as required by the legislature, and such by-laws as the board may adopt; see that proper discipline is maintained therein; provide employment for the inmates, and bind them out, discharge or remand them, as hereinafter provided; appoint a superintendent, subject to the approval, and during the pleasure of the governor and council, and appoint such other officers as in their judgment the wants of the institution require; prescribe the duties of all its officers; exercise a vigilant supervision over its concerns, remove its subordinate officers at pleasure, and appoint others in their stead; determine the compensation of the subordinate officers, subject to the approval of the governor and council, and prepare and submit by-laws to the governor and council, which shall be valid when sanctioned by them. They may contract with the attorney-general of the United States for the confinement and support in said school of juvenile offenders against the laws of the United States in accordance with sections five thousand five hundred

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and forty-nine, and five thousand five hundred and fifty of the revised statutes of the United States.

See c. 147, § 1.

**Sec. 3. Commitments to the school, and to alternative punishment; deaf and dumb, non compos or insane shall not be sent. R. S. c. 143, § 2.** When a boy between the ages of eight and 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, not for life, or in the county jail, or in any house of correction, such court or justice may order his commitment to the state school for boys or sentence him to the punishment provided by law for the same offense. If to said school, the commitment shall be conditioned that if such boy is not received or kept there for the full term of his minority, unless sooner discharged by the trustees as provided in section six, or released on probation as provided in section nine, he shall then suffer the punishment provided by law, as aforesaid, as ordered by the court or justice; but no boy shall be committed to said school who is deaf and dumb, non compos, or insane.

47 Me. 484.

**Sec. 4. Age, residence and day when minority expires certified on mittimus. R. S. c. 143, § 4. 1907, c. 120, § 2.** When any boy is ordered to be committed to the state school for boys, the court or trial justice by whom such commitment is ordered shall certify in the mittimus the city or town in which such boy resides at the time of his commitment, the age of the boy, and the date on which his term of minority will expire. The finding of the court or justice regarding the age and residence of the boy shall be deemed a decision of a question of fact, and his certificate thereof shall be conclusive evidence of the age and residence of the boy and of the day on which his term of minority will expire.

50 Me. 585.

**Sec. 5. Instruction and discipline. R. S. c. 143, § 6.** Every boy committed to said school, shall there be kept, disciplined, instructed, employed and governed, under the direction of the board of trustees, until the term of his commitment expires, or he is discharged as reformed, bound out by said trustees according to their by-laws, or remanded to prison under the sentence of the court as incorrigible, upon information to the trustees, as hereinafter provided.

**Sec. 6. Proceedings, when trustees or superintendent do not receive a boy or he is incorrigible. R. S. c. 143, § 7.** When a boy is ordered to be committed to said school and the trustees deem it inexpedient to receive him, or he is found incorrigible, or his continuance in the school is deemed injurious to its management and discipline, they shall certify the same upon the mittimus by which he is held, and the mittimus and boy shall be delivered to any proper officer, who shall forthwith commit said boy to the jail, house of correction, or state prison, according to his sentence. The trustees may discharge any boy as reformed; and may authorize the superintendent, under such rules as they prescribe, to refuse to receive boys ordered to be committed to said school, and his certificate thereof shall be as effectual as their own.

**Sec. 7.** When transportation shall be paid by the county. R. S. c. 143,

§ 8. The costs of transporting a boy to or from the school, shall, when not otherwise provided for, be paid from the treasury of the county from which he is committed, as the costs of conveying prisoners to the jails are paid; and the county commissioners of the county shall examine and allow all such reasonable costs.

See c. 118, § 5.

**Sec. 8.** Term of commitment; record of discharge; effect of discharge.

R. S. c. 143, § 9. All commitments of boys shall be during their minority unless sooner discharged by order of the trustees, as before provided; and when a boy is discharged from the school at the expiration of his term, whether he be then in the institution or lawfully out on probation, or when discharged as reformed, an appropriate record of such discharge shall be made by the superintendent upon the register of the school required to be kept by provisions of section eleven of this chapter. Such discharge shall be a full and complete release from all penalties and disabilities created by his sentence and commitment, and the record of the proceedings under which such boy was so committed shall not be deemed to be, nor shall it be subsequently used as, a criminal record against him. Each boy discharged from the institution shall receive an appropriate written discharge, signed by the superintendent. Such discharge, or a copy, duly certified by the superintendent, of the record of discharge upon the register of the school, shall be receivable in evidence and conclusive of the facts therein stated.

**Sec. 9.** Boys may be committed on probation to any suitable inhabitants of the state; return to the school. R. S. c. 143, § 10. The trustees may commit, on probation and on such terms as they deem expedient, to any suitable inhabitant of the state, any boy in their charge, for a term within the period of his commitment, such probation to be conditioned on his good behavior and obedience to the laws of the state. Such boy shall, during the term for which he was originally committed to the school, be also subject to the care and control of the trustees, and on their being satisfied at any time, that the welfare of the boy will be promoted by his return to the school, they may order his return. On his return to the school, such boy shall there be held and detained under the original mittimus. The trustees may delegate to the superintendent under such rules as they prescribe the powers herein granted to the trustees to commit any boy on probation to any suitable inhabitant of the state, and to return to the school any boy so committed when he is satisfied that the welfare of the boy will be promoted by his return. Any boy ordered returned to the school may, on the order of the superintendent or other officer of the institution, be arrested and returned to the school, or to any officer or agent thereof, by any sheriff, constable or police officer or other person; and may also be arrested and returned by any officer or agent of the school.

**Sec. 10.** Instruction of inmates; trustees shall make rules, and specify punishments. R. S. c. 143, § 11. The trustees, under direction of the governor and council, shall establish and maintain a mechanical school, and cause the boys under their charge to be instructed in mechanical trades and in the branches of useful knowledge, adapted to their age and capacity;

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also in agriculture and horticulture, according to their age, strength, disposition and capacity; and otherwise, as will best secure their reformation, amendment and future benefit. In binding out the inmates, the trustees shall have scrupulous regard to the character of those to whom they are bound. The trustees shall establish rules for direction of the officers, agents and servants of the school, and for the government, instruction and discipline of the inmates; they shall specify the punishments that may be inflicted upon boys in the school, and any officer, agent or servant, who inflicts punishment not so authorized shall be discharged. Such rules shall be approved by the governor and council, and shall not be altered without their consent.

See c. 147, § 1.

**Sec. 11. Powers and duties of the superintendent; bond; record of punishment, open to public inspection; accounts and books, shall be examined by the trustees semi-annually; register. R. S. c. 143, § 12.** The superintendent, with such other officers as the trustees appoint, shall have the charge and custody of the inmates; be a constant resident at the institution; and discipline, govern, instruct, employ and use his best endeavors to reform the inmates, so as to preserve their health, and secure, so far as possible, moral and industrious habits, and regular improvement in their studies, trades and various employments. He shall see that no punishment is inflicted in violation of the rules of the trustees, and shall immediately enter in a book kept for the purpose, a particular record of all corporal punishment inflicted, stating the offense, the punishment, and by whom administered; which record shall be open to public inspection, and be laid before the trustees at their quarterly meetings, a majority of whom shall then certify upon said book whether or not such punishments are approved by them. He shall have charge of the lands, buildings, furniture and every species of property, pertaining to the institution, within the precincts thereof. Before he enters upon the duties of his office, he shall give a bond to the state, with sureties or with a surety company authorized to do business in the state, as surety, satisfactory to the governor and council, conditioned faithfully to account for all moneys received by him and to perform all the duties incumbent on him as superintendent; keep, in suitable books, regular and complete accounts of all his receipts and disbursements, and of all property entrusted to him, showing the income and expenses of the institution; and account, in such manner, and to such persons as the trustees direct, for all moneys received by him from the proceeds of the farm or otherwise. His books, and all documents relating to the school, shall at all times be open to the inspection of the trustees, who shall, at least once in every six months, carefully examine the books and accounts, and the vouchers and documents connected therewith; and make a record of the result thereof. He shall keep a register containing the name and age of each boy, and the circumstances connected with his early life and add such facts as come to his knowledge relating to his subsequent history, while at the institution, and after he left it. Actions for injuries done to the real and personal property of the state, connected with the school, may be brought in the name of the superintendent for the time being.

See c. 117, § 55.

**Sec. 12. Contracts shall be made by the superintendent, and approved by the trustees; suits thereon.** R. S. c. 143, § 13. All contracts on account of the institution, shall be made by the superintendent, and when approved by the trustees, if their by-laws require it, are binding in law, and the superintendent, or his successor, may sue or be sued thereon, to final judgment and execution. He may, with the consent of the trustees, submit any controversy, demand or suit, to the determination of one or more referees. No such suit abates by a vacancy in the office of superintendent during its pendency; but his successor may take upon himself its prosecution or defense, and, on motion of the adverse party and notice, shall be required to do so.

**Sec. 13. Visits of the trustees to the school; record; annual report and financial statement.** R. S. c. 143, § 14. One or more of the trustees shall visit the school at least once in every four weeks, examine the register and the inmates in the schoolroom and workshop, and regularly keep a record of these visits in the books of the superintendent. Once in every three months, the school, in all its departments, shall be thoroughly examined by a majority of the board of trustees, and a report shall be made, showing the results thereof. Annually, on the first day of December, an abstract of such quarterly reports shall be prepared and laid before the governor and council for the information of the legislature, with a full report of the superintendent, stating particularly among other things, the offense for which each pupil was committed, and his place of residence. A financial statement furnishing an accurate detailed account of the receipts and expenditures for the year terminating on the last day of November preceding, shall also be furnished.

**Sec. 14. Homeless reformed boys may be returned to overseers of poor.** R. S. c. 143, § 15. Any boy deemed by the trustees to be reformed who has no suitable home to which he can be sent and for whom, in consequence of physical infirmity or other reason, no suitable home can be found by the trustees, may be discharged by said trustees and returned to the selectmen of the town or the overseers of the poor of the city where such boy resided at the time of his commitment.

**Sec. 15. Fugitive boys, penalty for aiding or abetting; fugitives may be arrested and returned.** R. S. c. 143, § 16. Any person who shall aid or abet any boy committed to the state school for boys in escaping therefrom, or who shall knowingly harbor or conceal any boy who has escaped from said school, shall be fined not less than fifty, nor more than one hundred dollars, or punished by imprisonment in the county jail not more than sixty days. Any fugitive from the state school for boys may, on the order of the superintendent or other officer of the institution, be arrested and returned to the school, or to any officer or agent thereof, by any sheriff, constable or police officer, or other person; and may also be arrested and returned by any officer or agent of the school.

**Sec. 16. Appropriations; how paid.** R. S. c. 143, § 17. The governor and council may, from time to time, as they think proper, draw warrants on the treasurer of state in favor of the trustees, for the money appropriated by the legislature for the state school for boys; and the treasurer of

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state shall, annually, in February, pay to the treasurer of said school forty-two dollars for support of its library, being six per cent on the Sanford legacy of seven hundred dollars.

**Sec. 17. Inmates shall be classed; solitary confinement is forbidden; denial of food prohibited.** R. S. c. 143, § 18. The inmates shall be separated into classes, regard being had to their ages, character and conduct, and the offenses for which they have been committed. The boys of each class shall, so far as practicable, take daily outdoor exercise and be employed in some outdoor labor. Each shall be provided with his own clothing and be taught to care for it. Solitary confinement is not allowed except for grave offenses specified in the rules of the trustees; and the apartment where it is inflicted, shall be suitably warmed, lighted and provided with a bed and proper appliances for cleanliness. All the boys shall receive the same quality of food and in quantities to satisfy their appetites. They shall not be punished by a denial or short allowance of food.

See Resolve 1871, c. 284.

**Sec. 18. Governor shall appoint a visiting committee; duties and powers.** R. S. c. 143, § 19. A committee of the council, consisting of three, with whom shall be associated one woman, shall be appointed by the governor annually, to visit the school from time to time, and examine into the treatment of its inmates, their condition and progress. They shall maintain therein a letter-box, to which the inmates shall at all times have free access, without the knowledge or scrutiny of the officers. They shall hear complaints of ill-treatment, and make such suggestions to the superintendent and trustees as they think proper, and make a yearly report to the governor and council concerning the condition and wants of the school.

#### The State School for Girls.

**Sec. 19. Duties of trustees.** R. S. c. 143, § 21. 1911, c. 150, § 3. 1915, c. 152. The Trustees of Juvenile Institutions shall have charge of the general interests of the state school for girls and see that its affairs are conducted in accordance with law and such by-laws as they may adopt. They may adopt by-laws which shall be valid when approved by the governor and council. They may employ a superintendent and such teachers and other employees as they may deem advisable, and fix their compensation subject to the approval of the governor and council; they may from time to time prescribe the system of education and course of study to be pursued in the school.

See c. 147, § 1.

**Sec. 20. Commitment of idle or vicious girls.** R. S. c. 143, § 22. A parent or guardian of any girl between the ages of six and sixteen years, the municipal officers, or any three respectable inhabitants of any city or town, where she may be found, may complain in writing to the judge of probate or any trial justice in the county, or to the judge of the municipal or police court for such city or town, alleging that she is leading an idle or vicious life, or has been found in circumstances of manifest danger of falling into habits of vice or immorality, and request that she may be committed to the guardianship of the officers of said school. The judge or



justice shall appoint a time and place of hearing, and order notice thereof to all persons entitled to be heard, and at such time and place, may examine into the truth of said allegations, and if satisfactory evidence thereof is adduced, and it appears that the welfare of such girl requires it, he may order her to be committed to the custody and guardianship of the officers of said school during her minority, unless sooner discharged by process of law. All precepts issued in pursuance of this section may be executed by any officer who may execute civil process; and the fees of judges of municipal and police courts, trial justices and officers shall be the same as for similar services in civil cases, and, when not otherwise provided for, shall be audited by the county commissioners and paid from the county treasury.

76 Me. 325.

**Sec. 21. Duties and privileges of trustees; may bind to service any girl committed to their charge. R. S. c. 143, § 23.** The board of trustees shall have all the powers as to the person, property, earnings and education of every girl committed to the charge of said trustees, during the term of her commitment, which a guardian has as to his ward, and all powers which parents have over their children. At the discretion of said board, any such girl, during her commitment, may be kept at said school, or entrusted to the care of any suitable person and may be required to work for such person, or may be bound by deed of indenture to service or apprenticeship for a period not exceeding the term of her commitment, on such conditions as said board may deem reasonable and proper. Such indenture shall specify the conditions, and shall require the person to whom such girl is bound, to report to said board as often as once in three months the conduct and behavior of such girl, and whether she remains under such master or mistress, and if not, where she is. Said trustees shall take care that the terms of such indenture are fulfilled, and the girl well treated, and if they believe that by reason of her misconduct, vicious inclinations or surroundings, she is in danger of falling into habits of vice or immorality, or that her welfare is in any way imperiled, they may cancel such indenture and resume charge of such girl with the same powers as before the indenture was made. The powers of said board with respect to any girl entrusted, as herein provided, to the care of a suitable person are not affected thereby, nor by her being bound to service or apprenticeship, except as expressed in the bond of indenture. Any member of said board may execute such indenture deed in behalf of the board if authorized by a vote of said board. Said board may, by vote in any case, or by a general by-law, authorize a member or committee of said board, or the superintendent of said school to entrust said girls to the care and service of a suitable person or persons without indenture, to see to their welfare during such service and to require their return to said school at discretion.

**Sec. 22. Indenture of apprenticeship is not transferable, without consent of the trustees; cancellation and assignment. R. S. c. 143, § 24.** A person receiving an apprentice under the preceding section, shall not assign or transfer the indenture of apprenticeship, or let out the services of the apprentice, without the written consent of the trustees. The trustees, at

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the request of the master or mistress, may cancel the indenture and resume charge of the girl, with the same powers as before the indenture was made. On the death of a person to whom the girl is bound, his executor or administrator, with the written assent of the trustees and of the girl, may assign the indenture to some other person, and the assignee shall have all the rights and be subject to all the liabilities and duties of the original master or mistress.

**Sec. 23. Commitments to school; effect of discharge with a certificate of good behavior; when discharged for misbehavior.** R. S. c. 143, § 26. On complaint to a trial justice or municipal or police court of the county, that a girl of the age herein limited has been guilty of an offense punishable by fine or imprisonment, other than imprisonment for life, such justice or court may so far examine into the case as to satisfy himself whether she is a suitable subject for commitment to said school, and if he so decides, he may thereupon suspend the case and certify accordingly, and order her to be committed to the guardianship of said school during her minority, unless sooner discharged by process of law. No girl so committed, if she remains under the guardianship of said school during the term of her commitment, or is sooner discharged with a certificate of good behavior, shall thereafter be examined or tried on the suspended complaint or for the offense therein charged. But if discharged for misbehavior, or if she escapes from said school, she may be tried therefor, and punished according to law.

76 Me. 325.

**Sec. 24. If not received, or if discharged for misbehavior, punishment.** R. S. c. 143, § 27. If a girl of the age herein limited is found guilty of an offense punishable with fine or imprisonment, other than imprisonment for life, she may be sentenced in the alternative to the aforesaid school, or if not received therein, or if discharged therefrom for misbehavior, to such punishment as the law provides for like offenses.

**Sec. 25. Trustees may refuse to receive, or may discharge any girl committed.** R. S. c. 143, § 28. The trustees may refuse to receive any girl committed to said school under the two preceding sections, or may discharge any girl whose continuance, by reason of her vicious example and influence, or other misconduct, is in their opinion prejudicial to the school, or who for any reason ought not to be retained therein. Their refusal may be certified on the warrant of commitment, and she shall remain in the custody of the officer having the same, to be disposed of as prescribed in said sections. If they discharge her, they shall set forth their reasons therefor in a warrant of discharge, and any proper officer may return her to the court which committed her, or commit her as provided in the alternative sentence.

**Sec. 26. Precepts, how to be executed.** R. S. c. 143, § 29. Precepts issued in pursuance of the three preceding sections may be executed by any officer who may execute criminal process; and the fees of judges, justices and officers are the same as for similar services in criminal cases, and shall be audited by the county commissioners and paid from the county treasury.

See c. 118, §§ 2, 5.

**Sec. 27. Record of proceedings shall be filed with clerk of courts; appeal; recognizance of appellant; fees.** R. S. c. 143, § 30. The judge or justice before whom a girl is brought under this chapter, shall make a brief record of his proceedings, and transmit it with all the papers in the case to the clerk of courts for the county, who shall file and preserve them in his office. A girl committed to the school may appeal from the order of commitment in the manner and to the court provided in case of appeals from trial justices, and the case shall be entered, tried and determined in the appellate court. In case of appeal, in lieu of any other recognizance, the justice or judge shall require the recognizance, in a reasonable sum, of some responsible and proper person for the custody, care and nurture of the girl, pending the appeal, and for her appearance to abide the final order of the appellate court, and in default thereof, may commit her to said industrial school until final disposition of the appeal. In such cases, no fees shall be required of the appellant for recognizance or copies of papers.

See c. 134, § 17; 76 Me. 326.

**Sec. 28. Age, parentage, birthplace and offense certified on mittimus; expenses of clothing, etc., paid by the state.** R. S. c. 143, § 31. 1907, c. 31, § 1. The court or justice by whom a girl is committed shall certify on the mittimus, her age, parentage, birthplace, the charge on which she is committed, and the city or town where she resided at the time of her arrest, so far as he can ascertain such particulars; and this certificate shall be conclusive evidence of her age. The expenses of clothing and subsistence of all girls committed to said school shall be paid by the state.

**Sec. 29. Instruction.** R. S. c. 143, § 33. The officers of said school shall cause the girls under their charge to be instructed in the branches of useful knowledge adapted to their age and capacity, and in household employments, needle-work, and such other modes of industry as are suited to their sex, age, strength and disposition, and best adapted to secure their improvement and future welfare; and in binding them out, the trustees shall have regard to the character of those to whom they are bound.

**Sec. 30. Penalty for aiding a girl to escape from the school.** R. S. c. 143, § 34. Whoever advises, induces, aids or abets any girl committed to the charge or guardianship of said trustees to escape from the school, or from the custody of any person to whom such girl has been bound or entrusted by said trustees or by their authority, or knowingly harbors or secretes any girl who has escaped from said school, or from the custody, authority or control of said trustees, or from any person to whom such girl has been bound or entrusted by said trustees or by their authority, or elopes with any such girl, or without the consent of said trustees marries any such girl during the term of her commitment, shall be fined not more than one hundred, nor less than fifty dollars, or be imprisoned not exceeding six months; and any girl who has so escaped may be arrested and detained, without warrant, by any officer authorized to serve criminal precepts, for a reasonable time to enable the superintendent or a trustee of said school, or a person authorized in writing by such superintendent or trustee and provided with the mittimus by which such girl was committed, or a certified copy

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thereof, to take such girl for the purpose of returning her to said school; but during such detention she shall not be committed to jail, and the officer arresting her shall be paid by the state a reasonable compensation for her arrest and keeping.

**Sec. 31. Trust funds transferred to state treasury. 1909, c. 174.** The trustees shall pay into the state treasury the principal sums of the trust funds which may be held by them, for the benefit of said school. Said funds shall be known by the names now attached thereto, or which may be attached by terms of gifts or bequests. The treasurer of state shall semi-annually pay to the treasurer of said school a sum equal to two and one-half per cent of said amount, to be used for the benefit of said school in accordance with the terms of the several gifts or bequests, or as the trustees shall from time to time determine.

#### Provisions Relating to Both Schools.

**Sec. 32. Free treatment for patients from state school for boys or state school for girls. 1913, c. 31.** Any hospital, infirmary or institution in which patients are treated surgically or for disease, which shall receive an appropriation from the state, shall, during the year for which such appropriation is made, in consideration thereof, receive as a patient therein any person committed to and under the control of the state school for boys or state school for girls, whom the superintendent of the state school for boys or the superintendent of the state school for girls shall certify in writing to such institution to be in need of medical or surgical treatment, and shall furnish to such person therein proper food, lodging, medicine, surgery, medical attendance and nursing, so long as necessary, free of charge. Provided that all rules, regulations, customs and usages now existing or hereafter created in each such hospital, infirmary or institution in regard to admission, dismissal, treatment, conduct and all other matters shall apply equally and to the same extent to patients received under this section as to other patients at the same hospital, infirmary or institution.