

ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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**Chapter 166.**

An Act concerning the Protection of Children, and defining certain Acts which shall be considered as causing, encouraging or contributing to the Delinquency or Distress of Infants.

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

Section 1. It shall be considered injurious to the physical, mental or moral welfare of any child, or children within the age defined by the statutes of this state concerning infants in distress, to smoke or use tobacco in any form, or to use or drink alcoholic or intoxicating liquors, or to use narcotic drugs of any kind or description unless prescribed by a physician, or otherwise used in case of sickness; and any person selling, giving or furnishing any such child with cigarettes, cigarette papers, tobacco, liquor or narcotic drugs in any form or encouraging such child to use the same, except as otherwise provided herein, shall be deemed guilty of encouraging, causing or contributing to the delinquency or distress of such child, and shall be punished, on conviction thereof, by a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days.

Penalty for selling or giving cigarettes, tobacco, liquor or narcotic drugs to children.

Section 2. It shall also be considered dangerous to the welfare of such children to give, furnish or sell to them any dangerous weapon or firearms, except in cases where the parents, guardians, teachers or instructors of children may furnish them with such weapons for hunting or target shooting outside the limits of any incorporated town or city, or where the same may be used in any regular licensed shooting gallery, and any person violating this provision shall also be deemed guilty of causing, encouraging or contributing to the delinquency or distress of children, and may be similarly proceeded against and punished as under the foregoing section.

Selling fire-arms or dangerous weapons to children forbidden except in certain cases.

Section 3. This act shall not be construed to repeal any criminal law of this state forbidding the sale of tobacco, liquor, narcotic drugs or firearms to minors, or any law of this state for the protection of children or minors, or to forbid proceedings under such acts in cases which may also come within the proceedings of this act.

How this act shall be construed.

Section 4. The court may suspend any sentence, stay or postpone the enforcement of execution, or release from custody any person found guilty in any case under this act upon such conditions as shall be imposed by the court.

Court may suspend sentence.

Section 5. In order to find any person guilty of violating this act it shall not be necessary to prove that the child is actually in delinquency or distress, provided it appears from

Evidence required to find person guilty of violation of this act.

—penalty.

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the evidence that through any act or neglect or omission of duty or by any improper act or conduct on the part of any such person the distress or delinquency of any child may have been caused or merely encouraged. This act shall always be liberally construed in favor of the state for the purpose of the protection of the child from neglect or omission of parental duty towards the child by the parents, as well also to protect the children of the state from the effects of the improper conduct, acts, or the bad example of any person or persons whomsoever which may be calculated to cause, encourage or contribute to the distress or delinquency of children, although such persons are in no way related to the child.

Approved March 29, 1909.

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### Chapter 167.

An Act to amend Section five of Chapter forty-four of the Public Laws of nineteen hundred seven, to provide for the Care and Education of the Feeble Minded.

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

Section 5,  
chapter 44,  
public laws,  
1907,  
amended.

Section five of chapter forty-four of the public laws of nineteen hundred seven is hereby amended by striking out after the word "county," in the third line of said section, the words "and who is not already in any almshouse, the industrial school or hospital in Maine or supported by any town," and inserting in place thereof the words, 'or any inmate of the Maine Industrial School for girls, the State School for boys, the Bath Military and Naval Orphan Asylum, or any person supported by any town,' so that said section as amended shall read:

Judge of  
probate  
may com-  
mit to  
school for  
feeble  
minded.

'Section 5. Whenever it is made to appear, upon application to the judge of probate for any county and after due notice and a proper hearing, that any person resident in said county, or any inmate of the Maine Industrial School for girls, the State School for Boys, the Bath Military and Naval Orphan Asylum, or any person supported by any town, is a fit subject for the Maine School for Feeble Minded, such judge may commit such person to said school by an order of commitment directed to the trustees of said School for Feeble Minded accompanied by a certificate of two physicians who are graduates of some legally organized medical college and have practiced three years in this state, that such a person is a proper subject for said institution. Whenever, upon such application,