# Acts and Resolves

As Passed by the

# Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

## 1917

Including Acts and Resolves of the Special Session of the Seventy-Seventh Legislature held in 1916.

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Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

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THE LEWISTON JOURNAL CO.
LEWISTON, MAINE
1917

# Chapter 130.

An Act Amending Sections Three and Twenty of Chapter One Hundred Forty-four, Section Twenty-nine of Chapter One Hundred Seventeen, Section Twenty-five of Chapter One Hundred Thirty-seven, of the Revised Statutes, and making Additional Provisions Pertaining to Inmates of State Juvenile Institutions, and Increasing the Salary of the Superintendent of the State School for Boys.

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

**Sec. 1. R. S., c. 144, § 3, relating to commitment to state school for boys, amended.** Section three of chapter one hundred forty-four of the revised statutes is hereby amended by striking out the word "eight" in the second line of said section, and inserting in the place thereof the word 'eleven', and by striking out the word "sixteen" in the second line thereof, and inserting in the place thereof the word 'seventeen', so that said section as amended shall read as follows:

'**Sec. 3. Age limits changed to eleven to seventeen years.** When a boy between the ages of eleven and seventeen 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.'

**Sec. 2. R. S., c. 144, § 20, relating to commitment to state school for girls, amended.** Section twenty of chapter one hundred forty-four of the revised statutes is hereby amended by striking out the word "six" in the second line of said section, and inserting in the place thereof the word 'nine', and by striking out the word "sixteen" in the second line of said section, and inserting in the place thereof the word 'seventeen', so that said section as amended shall read as follows:

'**Sec. 20. Age limits changed to nine to seventeen years.** A parent or guardian of any girl between the ages of nine and seventeen 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 saisfactory 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.'

**Sec. 3. Incorrigible girl, sixteen years of age and over, may be transferred to reformatory for women. Inconsistent statutes repealed.** If, in the opinion of the trustees of juvenile institutions, any girl, under the guardianship of the state school for girls, or who may hereafter be committed thereto, who has attained the age of sixteen years, is incorrigible, they may certify the same on the original mittimus and have it signed by the president or secretary of the board of trustees in behalf of said trustees; whereupon said girl shall be transferred from said state school for girls to the reformatory for women, together with the original mittimus and certificate thereon. It shall be the duty of the officers of the reformatory for women to receive any girl so transferred, and the remainder of the original commitment shall be executed at the reformatory for women. After said transfer has been made, the rights and duties of the trustees of juvenile institutions over and toward said girl shall cease, and the rights and duties of the trustees of the reformatory for women shall be the same as in case the girl had been originally committed to said reformatory. Any part of chapter one hundred forty-four of the revised statutes inconsistent with this section is hereby repealed.

**Sec. 4. Inmates of either institution may be recommitted to school for feeble minded.** Any boy now under the guardianship of the state school for boys, or who may hereafter be committed there, who is feeble minded, or who, after his commitment, becomes feeble minded, or any girl now under the guardianship of the state school for girls, or who may hereafter be committed there, who is feeble minded, or who, after her commitment, becomes feeble minded, may be transferred by the trustees of juvenile institutions, to the Maine School for the Feeble Minded. In such event the trustees of juvenile institutions, by their president or secretary, shall endorse on the original mittimus the fact that the boy or girl is feeble minded, and attach thereto a certificate from a regular practicing physician within the state certifying that the boy or girl is feeble minded, and shall obtain from the superintendent of the said school for the feeble minded a certificate stating in substance that such boy or girl will be received under the provisions of section fifty-one of chapter one hundred and forty-five of the revised statutes. Then upon the delivery of the boy or girl to the officers of the Maine School for the Feeble Minded, together with the original mittimus and certificates herein provided, it shall be the duty of the officers of the Maine School for the Feeble Minded to receive such boy or girl, and thereafter the trustees of juvenile institutions shall cease to have any authority over such boy or girl, and the hospital trustees

shall have the same authority over said boy or girl as they would have if he or she had been originally committed to the Maine School for Feeble Minded.

**Sec. 5. May be recommitted to either of state hospitals for insane.** Any boy now under the guardianship of the state school for boys, or who may hereafter be committed there, who is insane, or who, after his commitment, becomes insane, or any girl now under the guardianship of the state school for girls, or who may hereafter be committed there, who is insane, or who, after her commitment, becomes insane, may be transferred by the trustees of juvenile institutions to either of the state hospitals for insane. In such event the trustees of juvenile institutions, by their president or secretary, shall endorse on the original mittimus the fact that the boy or girl is insane, and attach thereto a certificate from a regular practicing physician within the state, certifying that the boy or girl is insane. Upon the delivery of the boy or girl to the officers of either of the state hospitals for insane, together with the original mittimus and certificates herein provided, it shall be the duty of the officers of either of the state hospitals for insane to receive such boy or girl, and thereafter the trustees of juvenile institutions shall cease to have any authority over such boy or girl, and the hospital trustees shall have the same authority over said boy or girl as they would have if he or she had been originally committed to either of the state hospitals for insane.

**Sec. 6. R. S., c. 117, § 29, relating to salary of superintendent of state school for boys, amended.** Section twenty-nine of chapter one hundred seventeen of the revised statutes is hereby amended by striking out the words "one thousand" in the second and third lines of said section, and inserting in the place thereof the words 'fifteen hundred', so that said section as amended shall read as follows:

'**Sec. 29. Increased to fifteen hundred dollars a year.** The superintendent of the state school for boys shall receive an annual salary of fifteen hundred dollars.'

**Sec. 7. R. S., c. 137, § 25, relating to indeterminate sentences, amended.** Section twenty-five of chapter one hundred thirty-seven of the revised statutes is hereby amended by striking out the words "or the state school for boys" in the second and third lines of said section, and by striking out the words "and may not fix a definite term in said state school for boys" in the fourth and fifth lines of said section, so that said section as amended shall read as follows:

'**Sec. 25. Not to apply to sentences to state school for boys.** When any person shall be convicted of crime the punishment for which prescribed by law, may be imprisonment in the state prison, the court imposing sentence, shall not fix a definite term of imprisonment in said state prison, but shall or may fix a minimum term of imprisonment, which shall not be less than six months in any case. The judge shall at the time of pronouncing such sentence recommend and state therein what, in his judgment, would be a proper maximum penalty in the case at bar not exceeding

the maximum penalty provided by law, and the penalty so stated shall be the maximum sentence in such case. He shall before or at the time of passing such sentence ascertain by examination of such prisoner on oath, or otherwise, and in addition to such oath, by such other evidence as can be obtained, any facts tending to indicate briefly the cause of the criminal character or conduct of such prisoner, which facts, and such other facts as shall appear to be pertinent in the case, he shall cause to be entered upon the minutes of the court.'

Approved March 29, 1917.

# Chapter 131.

An Act Amending Section Fifty of Chapter Fifty-five of the Revised Statutes, Authorizing Complaint by a Utility against Itself, and Empowering the Public Utilities Commission to Order Refund.

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

**Sec. 1. R. S., c. 55, § 50, relating to complaint against public utility made by itself.** Section fifty of chapter fifty-five of the revised statutes is hereby amended so as to read as follows:

'**Sec. 50. Proceedings when complaint of discriminatory charge is not made by utility. Public utilities commission may order refund.** Any public utility may make complaint as to any matter affecting its own product, service or charges, with like effect as though made by any ten persons, firms, corporations or associations. And the commission may authorize reparation or adjustment where the utility admits that a rate charged was excessive or unreasonable, or collected through error, and it appears that the utility has subsequently within thirty days published the rate to which the reduction is authorized in place of the rate which is admitted to be excessive or unreasonable; provided, however, that such new rate so published shall continue in force one year unless sooner changed by the order or with the consent of the commission. Within six months after the rendering of any service within the state of Maine by any public utility, for which service a rate, toll or charge is made by such utility, any person, firm, corporation or association aggrieved may complain to the commission that the rate, toll or charge exacted for such service is unjustly discriminatory against him, or it, either because it is higher than that charged by the same utility for the same service, or service of similar value and cost, rendered to other users or consumers thereof, or because the utility has failed, without reasonable cause to make a more favorable rate, toll or charge, published by it for the same or a similar service, as aforesaid, applicable to the said user or consumer, or to the class of users or consumers to which he or it belongs, or at the place at which said service is rendered. Within six months after an order has been made authorizing reparation or adjustment under the second sentence of this section, any person, firm, corporation or association aggrieved may complain to the commission that he or it is entitled to reparation from the same utility by reason of the payment of the same rates which said utility admits