

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 822

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S.P. 335

In Senate, March 4, 2025

### An Act to End the Collection of Certain Probation Fees

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BEEBE-CENTER of Knox.

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

2 **Sec. 1. 15 MRSA §3314, sub-§2**, as amended by PL 2023, c. 136, §5, is further  
3 amended to read:

4 **2. Suspended disposition.** The court may impose any of the dispositional alternatives  
5 provided in subsection 1 and may suspend its disposition and place the juvenile on a  
6 specified period of probation that is subject to such provisions of Title 17-A, section 1807  
7 as the court may order and that is administered pursuant to the provisions of Title 34-A,  
8 chapter 5, subchapter 4, ~~except that the court may not impose the condition set out in Title~~  
9 ~~17-A, section 1807, subsection 6.~~ The court may impose as a condition of probation that a  
10 juvenile must reside outside the juvenile's home in a setting satisfactory to the juvenile  
11 community corrections officer if the court determines that reasonable efforts have been  
12 made to prevent or eliminate the need for removal of the juvenile from the juvenile's home  
13 or that no reasonable efforts are necessary because of the existence of an aggravating factor  
14 as defined in Title 22, section 4002, subsection 1-B, and that continuation in the juvenile's  
15 home would be contrary to the welfare of the juvenile. Imposition of such a condition does  
16 not affect the legal custody of the juvenile.

17 Modification of probation is governed by the procedures contained in Title 17-A, section  
18 1804, subsections 7 and 8. Termination of probation is governed by the procedures  
19 contained in Title 17-A, section 1804, subsection 10. Revocation of probation is governed  
20 by the procedures contained in Title 17-A, sections 1809 to 1812, except that this  
21 subsection governs the court's determinations concerning probable cause and continued  
22 detention and those provisions of Title 17-A, section 1812, subsection 6 allowing a vacating  
23 of part of the suspension of execution apply only to a suspended fine under subsection 1,  
24 paragraph G or a suspended period of confinement under paragraph H. A suspended  
25 commitment under subsection 1, paragraph F may be modified to a disposition under  
26 subsection 1, paragraph H. When a revocation of probation results in the imposition of a  
27 disposition under subsection 1, paragraph F or a period of confinement under subsection 1,  
28 paragraph H, the court shall determine whether reasonable efforts have been made to  
29 prevent or eliminate the need for removal of the juvenile from the juvenile's home or that  
30 no reasonable efforts are necessary because of the existence of an aggravating factor as  
31 defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's  
32 home would be contrary to the welfare of the juvenile. This determination does not affect  
33 whether the court orders a particular disposition upon a revocation of probation. If the  
34 juvenile is being detained for an alleged violation of probation, the court shall review within  
35 48 hours following the detention, excluding Saturdays, Sundays and legal holidays, the  
36 decision to detain the juvenile. Following that review, the court shall order the juvenile's  
37 release unless the court finds that there is probable cause to believe that the juvenile has  
38 violated a condition of probation and finds, by a preponderance of the evidence, that  
39 continued detention is necessary to meet one of the purposes of detention under section  
40 3203-A, subsection 4, paragraph C. When a court orders continued detention, the court  
41 shall determine whether reasonable efforts have been made to prevent or eliminate the need  
42 for removal of the juvenile from the juvenile's home or that no reasonable efforts are  
43 necessary because of the existence of an aggravating factor as defined in Title 22, section  
44 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary  
45 to the welfare of the juvenile. This determination does not affect whether the court orders  
46 continued detention.

