

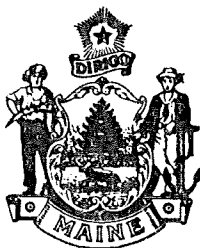
MAINE STATE LEGISLATURE

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)

JAMES E. TIERNEY
ATTORNEY GENERAL



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL

AUGUSTA, MAINE 04333
March 17, 1981

Honorable Beverly Bustin
Maine State Senate
State House
Augusta, Maine 04333

Dear Senator Bustin:

This will respond to your request for an interpretation of the language of 15 M.R.S.A. §3314(1)(D)(1980). In particular, you have inquired whether that statute prohibits a Juvenile Court Judge from committing a person over the age of 18, who has been adjudicated as having committed a juvenile crime prior to attaining 18 years of age, to the Maine Youth Center.

By virtue of Chapters 501-513 of the Public Laws of 1977, the Legislature adopted the Maine Juvenile Code. See 15 M.R.S.A. §3001 (1980). A juvenile is defined as "any person who has not attained the age of 18 years." 15 M.R.S.A. §3003 (14)(1980). Conversely, an adult "means a person 18 years of age or over." 15 M.R.S.A. §3003(2)(1980). The Legislature has granted the District Court "exclusive original jurisdiction ...of proceedings in which a juvenile is alleged to have committed a juvenile crime...." 15 M.R.S.A. §3101(2)(A)(1980). See also 15 M.R.S.A. 3003(15)(1980). With respect to adults who are alleged to have committed a juvenile crime prior to reaching the age of 18, 15 M.R.S.A. §3101(2)(D)(1980) provides:

"Juvenile courts shall have exclusive original jurisdiction over proceedings in which an adult is alleged to have committed a juvenile crime before attaining his 18th birthday. For purposes of such proceedings such adult shall be considered a juvenile." (emphasis added).

In the event that a juvenile has been adjudicated as having committed a juvenile crime, the Legislature has granted the Juvenile Court a wide range of dispositional alternatives. See 15 M.R.S.A. §3314(1980). For example, the Court may release the juvenile to the custody of his parents or other legal guardian. 15 M.R.S.A. §3314(1)(A)(1980). The Court is also empowered to order the juvenile to participate in a work program, or to make restitution to the victim or to pay a fine. See 15 M.R.S.A. §3314(1)(B), (E) and (G)(1980). The Court may also order that a "juvenile" be placed "in a foster home, group care home or halfway house, or for the provision of services to a juvenile in

his own home." 15 M.R.S.A. §3314(1)(C)(1980). The Court is also authorized to "commit the juvenile to the Maine Youth Center." 15 M.R.S.A. §3314(1)(F)(1980).¹ The Court also has discretion to suspend any sentence it imposes upon a juvenile and place him on probation, or to unconditionally discharge the juvenile. 15 M.R.S.A. §§3314(1)(I) and (2)(1980).

In all of the statutory provisions referred to above, the Court is authorized to impose a sentence upon a "juvenile." However, 15 M.R.S.A. §3314(1)(D)(1980) specifically refers to an adult who has been adjudicated as having committed a juvenile crime prior to attaining the age of 18. It provides:

"The court may commit a person over the age of 18 years to the Department of Mental Health and Corrections if he is adjudicated as having committed a juvenile crime prior to attaining 18 years of age or upon revocation of probation for placement in a foster home, group care home or halfway house, or for the provision of services to that person in his own home." (emphasis added).

Based upon the information contained in your opinion request, it appears that a question has arisen as to whether 15 M.R.S.A. §3314(1)(D) limits a Juvenile Court's authority to commit an adult, between the ages of 18 and 21, to the Maine Youth Center.² Apparently, section 3314(1)(D) has been interpreted as permitting a Juvenile Court Judge to commit an adult who has been adjudicated as having committed a juvenile crime prior to reaching the age of 18, only "for placement in a foster home, group care home or halfway house, or for the provision of services to that person in his own home."

We do not believe the Legislature intended section 3314(1)(D) to be given such a restrictive construction. As noted earlier, the Legislature has clearly stated that an adult who is alleged to have committed a juvenile crime prior to attaining his 18th birthday "shall be considered a juvenile" for purposes of the Maine Juvenile Code. 15 M.R.S.A. §3101(2)(D)(1980). Moreover, the Legislature has explicitly authorized the Juvenile Court to "commit [a] juvenile to the Maine Youth Center." 15 M.R.S.A. §3314(1)(F)(1980). Furthermore, 15 M.R.S.A. §3316(2)(A)(1980) specifically empowers the Juvenile Court to commit a juvenile to the Maine Youth Center for a period extending beyond his 18th

1. The Court may also impose a "split sentence" upon a juvenile to the Maine Youth Center for a period of detention not to exceed 30 days. 15 M.R.S.A. §3314(1)(H)(1980-1981 Supp.).

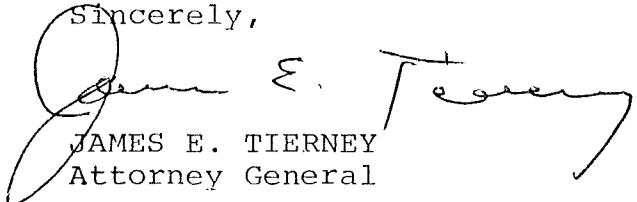
2. Commitments to the Maine Youth Center may only last until the age of 21. See 15 M.R.S.A. §2714 (1980); 15 M.R.S.A. §3316(2)(A)(1980).

birthday.³ Finally, to conclude that section 3314(1)(D) precludes a Juvenile Court from committing to the Maine Youth Center an adult, who has been adjudicated of committing a juvenile crime prior to reaching adulthood, would lead to the anomolous result that such a person is immune from commitment to the Youth Center merely because of the fortuitous event of having reached 18 at the time of the juvenile hearing. In the absence of clear evidence that the Legislature intended such a result, we will not interpret 15 M.R.S.A. §3314(1)(D) to produce it, particularly in light of the Law Court's admonition that the Juvenile Code was designed to provide flexibility to the Juvenile Court in devising the most appropriate disposition of juvenile offenders. See State v. Gleason, Me., 404 A.2d 573(1979).

In view of the foregoing, we do not interpret 15 M.R.S.A. §3314(1)(D) as prohibiting the commitment to the Maine Youth Center of an adult who has been adjudicated as having committed a juvenile crime prior to reaching the age of 18. Rather, we believe section 3314(1)(D) was intended to make it clear that a Juvenile Court may commit an adult to the Department of Mental Health and Corrections for the purposes of placement "in a foster home, group care home or halfway house, or for the provision of services in his own home," notwithstanding the fact that he is not longer a minor. Accordingly, we read 15 M.R.S.A. §3314(1)(D) as an expansion, not a limitation, of the dispositional alternatives available to the Juvenile Court when dealing with a juvenile offender.

I hope this information is helpful to you. Please feel free to call upon me if I can be of further assistance.

Sincerely,



JAMES E. TIERNEY
Attorney General

JET:sm

3. 15 M.R.S.A. §3316(2)(A)(1980) provides in relevant part:

"A commitment of a juvenile to the Department of Mental Health and Corrections, including a commitment to the Maine Youth Center, pursuant to section 3314, shall be for an indeterminate period not to extend beyond the juvenile's 18th birthday unless the court further limits or extends the indeterminate commitment...."