

MAINE STATE LEGISLATURE

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For Immediate Release
May 24, 1976

Rep. James S. Henderson
942-7132/947-7336

A statewide commission studying changes in juvenile laws will be holding one of three major hearings in Bangor this Wednesday evening.

The Commission to Revise the Statutes Relating to Juveniles will explain its goals to, and receive comments from, eastern Maine citizens at 7:30 pm in the City Council Chambers, Bangor City Hall on May 26th. The Commission, Chaired by District Attorney Joseph Jabar of Waterville, will hold hearings in Portland and Augusta as well as Bangor. It is vitally interested in hearing comments from the general public and from agencies which serve the needs of young people.

In announcing the Bangor hearing, Rep. James S. Henderson, a Commission member, indicated that the Commission may recommend changes in court procedures, the creation of a single juvenile code, increases in youth services, programs to better deal with truants and school drop-outs, and alternative approaches to alcohol and other drug abuse prevention.

"The problems of the increasing rate of juvenile crime affect us all," Henderson said. "A great challenge facing the people of Maine is how to cope with such offenses in a manner which is humane and just while at the same time firm and effective. The victims must be assured that the state is pursuing every effort to protect them; at the same time, the social and economic circumstances that encourage young people to go astray cannot be ignored."

ARTHUR BOLTON ASSOCIATES

MEMORANDUM

TO: Executive Committee Meeting

FROM: Arthur Bolton Associates

DATE: June 14, 1976

RE: Executive Committee Meeting

Please note that the Executive Committee meeting will be held on Thursday, July 1, 1976 at 9:00 a.m. at Oblate Retreat House, 136 State Street, Augusta, Maine.

The regular Commission meeting will follow at 10:00 a.m.

ARTHUR BOLTON ASSOCIATES

MEMORANDUM

TO: Commission Members
FROM: Arthur Bolton Associates
DATE: June 14, 1976
RE: Next Commission Meeting

The next Commission meeting will be held on Thursday, July 1, 1976 at 10:00 a.m. at Oblate Retreat House, 136 State Street, Augusta, Maine.

An agenda for the meeting will be forthcoming.

ARTHUR BOLTON ASSOCIATES

MEMORANDUM

TO: Messrs. Jabar, Jones, Kane, Henderson, Allen
FROM: Arthur Bolton Associates
DATE: June 14, 1976
RE: Minutes of executive Committee Meeting
Portland, Maine, June 10, 1976
PRESENT: Messrs. Jabar, Jones, Kane, Henderson, Allen

Joe Jabar opened the meeting. Charlie Sharpe was present and expressed some concern about the way the Commission and its staff interacted. After some discussion, it was decided that staff would assume responsibility for coordination and planning for all future Commission meetings.

cc: Charlie Sharpe

ARTHUR BOLTON ASSOCIATES

MEMORANDUM

June 22, 1976

TO: Members, Maine Commission to Revise Statutes
Relating to Juveniles

FROM: Joan FitzGerald, Peter DuBois, and Ann Brauer

RE: Agenda for next Commission meeting, July 1st

Attached is a copy of the proposed agenda for your next meeting, to be held at the Oblate Retreat House (138 State Street) in Augusta.

Several aspects of this meeting are important to note:

- 1) Beginning with this meeting the Commission will be holding initial discussions about the substantive areas it has chosen for its work. These discussions will be preceded by staff presentations based on information they have gathered. Commission members who are particularly interested in the matters to be discussed at a given meeting should make every effort to attend.
- 2) At this meeting staff will present a proposed schedule for the balance of the Commission's meetings.
- 3) This meeting is scheduled to run longer than previous sessions, from 10-6, due to the work sessions with the Commissioners of Education, Human Services, and Mental Health and Corrections.

If you have any questions about these plans, we will be happy to answer them at any time.

ARTHUR BOLTON ASSOCIATES

MEMORANDUM

June 22, 1976

TO: Executive Committee Members
FROM: Joan FitzGerald, Peter DuBois, Ann Brauer
RE: Agenda for July 1st Executive Committee Meeting

The Executive Committee meeting scheduled for 9 A.M. on Thursday, July 1st at the Oblate Retreat House, 138 State Street in Augusta will be concerned with the schedule for the balance of the Commission's meetings which is being prepared by us. A copy of this plan will be in the mail to you shortly.

ARTHUR BOLTON ASSOCIATES

MEMORANDUM

June 23, 1976

TO: Members, Maine Commission to Revise Statutes
Relating to Juveniles

FROM: Joan FitzGerald, Peter DuBois, and Ann Brauer

RE: Agenda for next Commission meeting, July 1st

Please note that Footnote 3 which appears at the
bottom of the PROPOSED AGENDA should read as follows:

***The Commission will meet with each Departmental
Commissioner individually for one hour. Each
Departmental Commissioner has been invited to make
a presentation of up to one half-hour. The remaining
time will be used for discussion. This schedule is
tentative. Final arrangements will depend on the
Commissioners response to the Commission's invitation.

MEMORANDUM

July 29, 1976

TO: All Commission Members

FROM: Joan FitzGerald and Peter DuBois

Please note that we are moving our offices in Boston as of August 1st. Our new address will be 229 Beacon Street, Boston, Massachusetts 02116.

Since the phone lines are not yet installed, we cannot now provide you with the new telephone number.

MEMORANDUM

July 29, 1976

TO: All Commission Members
FROM: Joan FitzGerald
RE: Minutes of Early Commission Meetings

In response to my request for copies of any notes that Commission members had kept of early meetings, I received information about the meetings held on October 2, 1975, October 21, 1975, October 30, 1975, November 6, 1975 and January 8, 1976. The following is a synopsis of the notes which I received.

October 2, 1975 - Organizational Meetings of the Commission to Revise Juvenile Statutes

The meeting was convened by Governor Longley at 4:00 P.M. The Governor stated that he appreciates the need for revision in the area of juvenile justice, and that he views this Commission as one of tremendous importance. Upon completion of his opening statements, Governor Longley appointed Charles Sharpe to act as interim Chairman.

A roll call was taken and the following members were present: Donald Allen, Superintendent of the Boys' Training

Center; Wallace M. Delahanty, School Guidance Counselor; Roland Gauthier, State Representative; Dr. Adair Heath, psychiatrist; James Henderson, State Representative; Joseph Jabar, District Attorney; F. Woodman Jones, Attorney; Dr. Thomas Kane, York County Counseling Center; William MacDonald, Maine Chiefs of Police Association; Edgar Merrill, Bureau of Resource Development, Department of Human Services; Arthur Nadeau, Jr., Judge of the District Court; Jeanne Rosse, Cumberland County Youth Aid Bureau; John Weldon, State Principal's Association; Charles Sharpe, Director of Children and Youth Services Planning Project; and David Els, Criminal Justice Planning and Assistance Agency. Absent was Barry Hobbins, State Representative.

David Els, Juvenile Coordinator of the Criminal Justice Planning and Assistance Agency, was asked to review the funding mechanism and the role of that agency with relation to the Commission. Mr. Els also discussed the hiring of a Chief Counsel for the Commission as outlined in the enabling legislation and mentioned the need to set guidelines and requirements for a request for proposal.

The Acting Chairman then asked that the sponsors of the legislation be invited to review the act with the Commission to make the necessary interpretations.

The role and mandate of the Commission was discussed; the members were asked to give serious thought to these issues and to any items they wished to be placed on the agenda for the next meeting. David Els stated that he would draw up a proposal for funding and mail it to members prior to the next meeting.

The following persons were elected to the respective offices as required by the Act: Chairman, Joseph Jabar; Vice Chairman, F. Woodman Jones; Secretary-Treasurer, Thomas Kane.

It was voted that the next meeting would be held on October 30 at 10:00 A.M. at the Criminal Justice Academy in Waterville, and that all subsequent regular meetings would be on the first Thursday of each month commencing on November 6. All meetings will be held at the Academy starting at 10:00 A.M. sharp and will last all day. A definite time for adjournment will be voted at the October 30 meeting.

The meeting was adjourned at 5:30 P.M.

October 30, 1975

The meeting was opened and conducted by F. Woodman Jones, Vice Chairman of the Commission in the absence of Chairman Joseph Jabar. The following Commission members were present: Donald Allen, Wallace Delahanty, Roland Gauthier, Dr. Adair Heath, James Henderson, F. Woodman Jones, Dr. Thomas Kane,

William MacDonald, Edgar Merrill, Arthur Nadeau, Jeanne Rosse, John Weldon, Charles Sharpe, David Els and Barry Hobbins.

The Commission established the first of its housekeeping rules: 1) any member with three consecutive unexcused absences will be removed from the Commission, 2) the Commission decided that it will convene in various locations around the state for both informational and political reasons.

There ensued a discussion of the difference between juvenile criminal statutes and laws simply pertaining to children. It was decided that the Commission will hear testimony from all areas of children's law, but will limit the scope of its final recommendations to focus on the juvenile justice system. It was agreed that the charge of this Commission was in fact broader than the Criminal Code Revision Commission. In making recommendations for amendments to the Juvenile Code, therefore, it will be necessary to review not only the area of children's rights, but also the effect of state resources to guarantee those rights.

Mr. Sharpe injected a reminder that a bill should be submitted to the special session to provide this Commission with statutory authority beyond June 30, 1976.

The question of how deeply the Commission should research utilization of state resources was not resolved. It was agreed that the Children and Youth Services Planning Project will be the primary resource in the resolution of this question.

It was agreed that in order to carry out their tasks the Commission would need a list of all laws pertaining to juveniles accompanied by a short descriptive statement of each law. It was also agreed that the Commission should request a staff person from the Attorney General's office, specializing in juvenile law, to be present at subsequent Commission meetings.

The following five goals were agreed on as the basis of a work plan to complete the tasks of the Commission:

- 1) Review of the juvenile court system
- 2) Review of all current juvenile statutes
- 3) Research into existing and proposed service alternatives for children - both prior to and after adjudication
- 4) Children's rights
- 5) Cost effectiveness - cost/benefit analysis of various alternatives

It was decided that the Commission would issue a request for proposal which would go out to bid. This RFP would include the provision of all necessary services to the Commission required to complete its designated tasks. David Els and James Henderson will draft such an RFP for the next meeting of the Commission.

The Commission also decided to create sub-committees in order to share the burden of conducting hearings on a

statewide basis.

The next meeting will be held on November 6 at the Criminal Justice Academy in Waterville.

The meeting was adjourned at 4:00 P.M.

November 6, 1975

The meeting was opened by Vice Chairman F. Woodman Jones and the chair later turned over to the Chairman, District Attorney Joseph Jabar.

The following members were present: F. Woodman Jones, Jeanne Rosse, William MacDonald, John Weldon, Joseph Jabar, Dr. Adair Heath, Roland Gauthier, James Henderson, Donald Allen, Arthur Nadeau, Charles Sharpe and Edgar Merrill. In addition, the following advisory members were present: David Els, Peter Goranites. Absent were Wallace Delahanty (excused) and Barry Hobbins.

James Henderson presented a tentative RFP which he and David Els had prepared. The committee then reviewed the RFP and agreed that the closing date for filing bids in response to it would be December 12, 1975.

It was further agreed that an oral presentation would be made by three selected bidders on December 19, 1975 at the Conference Room at the airport in Portland.

The Commission determined that the fixed price contract would not exceed \$40,000. Of the total \$50,000 grant award, the remaining \$10,000 would be used to support the Commission

and provide for other consultant services.

There followed a discussion of the specifications of the work requirements to be reflected in the RFP - both substantive and procedural, and of the criteria to be used in selecting the bidder to whom the contract would be awarded.

Having completed a review of the RFP, the following motions were passed:

- 1) a vote of thanks to Jim Henderson and Dave Els for the preparation of the RFP
- 2) that advertisements for the contract would be placed in the Kennebec Journal and the Portland Sunday Telegram, and that ads would not be placed until after the approval of the RFP by the JB committee of CJPAA, and the chairman be authorized to proceed with the RFP in its proper form upon approval of the CJPAA.
- 3) to accept the RFP in its entirety, as amended during discussion in this meeting.
- 4) that the chairman, Joseph Jabar, be the contract administrator.
- 5) that the Commissioners Contract Screening Committee, comprised of William MacDonald, James Henderson, Charles Sharpe and Joseph Jabar, with technical advisor David Els, meet on Friday, December 12 at 10:00 A.M. to select three contractors for presentation to and approval by the Commission, and that

all Commission members be sent copies of those three proposals.

- 6) that to effect the above, the regular meeting of December 4 will be postponed to December 19 for the purpose of an oral interview with the three selected contractors.

There being no further business, the meeting was adjourned at 2:15 P.M.

December 19, 1975

I have received no notes from any Commission member on the meeting that was held on December 19, 1975.

January 8, 1976

The meeting was opened by Chairman Jabar. Present were Arthur Nadeau, David Els, Adair Heath, Donald Allen, Jeanne Rosse, Peter Goranites, Elmer Berry, Barry Hobbins, Charles Sharpe, William MacDonald, Edgar Merrill, F. Woodman Jones. Also present were Peter DuBois and Joan FitzGerald, who are to serve as staff to the Commission. Ms. FitzGerald and Mr. DuBois suggested that they would like to interview each Commission member individually - such interviews would take approximately 2 hours apiece. There ensued a discussion of that suggestion. It was adopted and the schedule for those interviews was established. It was also agreed that

staff would draw up a report by February which would list the goals and objectives of the juvenile court system in Maine as seen by the Commissioners.

David Els initiated a discussion of the relationship between staff and the Commission. It was agreed as reflected in the RFP that staff would work closely, both with the Commission and with the Children and Youth Services Planning Project.

Edgar Merrill suggested that there were many groups already working in Maine to make statutory and administrative changes in services affecting children. Staff requested that Commission members who were aware of such groups advise staff of them so that contact could be made with them.

It was agreed that the next meeting of the Commission would be held on March 5 and 6, when there would be a 2 day meeting to discuss the report which staff would prepare on the goals of Maine's juvenile justice system.

There being no further business the meeting was adjourned at 3:30 P.M.

MEMORANDUM

July 29, 1976

TO: All Commission Members
FROM: Joan FitzGerald
RE: Public Hearings

On May 25, 26, and 27, and on June 1, 2 and 3 the Commission to Revise All Juvenile Statutes held public hearings in Portland, Augusta, Bangor, Saco, Lewiston and Presque Isle. What follows is a brief description of those hearings.

The first meeting on Tuesday, May 25th was held in Portland. At that meeting testimony was presented by A.L. Carlisle, Chairperson of the United Way of Greater Portland, and a member of the United Way's Substitute Care Task Force. The second speaker was Mary Najarian, State Representative; the third was Professor Arthur LaFrance, the University of Maine Law School; the fourth was Frank Armoso, Director of the Portland Police Department Youth Aid Bureau; the fifth was Jane Jarvis, Director of Fair Harbor Emergency Shelter Care for Girls; the sixth was Bert Marks, of the Maine Juvenile Justice Association; the seventh was Kathy Gzhelkouski, of the Maine Center for Development in Portland; the next was Richard Mauman, a professor at the

University of Maine at Portland, Gorham. In addition a number of unscheduled speakers addressed Commission members: they included Representative John Joyce, from the Portland area; Judge Harriet Henry, the District Court; Richard Coddin, of the State Department of Human Services, Foster Care Division; Clyde McCerar, the Chief of Police in Falmouth; and Alexander Gronowitz, a school principal from the Portland area.

Generally, the speakers (both scheduled and non-scheduled) spoke about the problems of truancy and dropouts; the need for long-term shelter care and more foster care alternatives for children in need of out of home placement; the need for emergency shelter care and for intensive inpatient psychiatric care for seriously disturbed children; the need for procedural reform in juvenile hearings; the need for better records of juvenile proceedings; and the need for additional alternatives for placement of status offender children rather than merely repetitive probation.

The next hearing on Wednesday, May 26th, was held in Bangor. At that meeting Commissioners were addressed by Ken Putnam, a school guidance counselor in the Bangor area, by Doris Jones, a teacher and member of the Governor's Committee on Children and Youth, by David Clark, the District Attorney for District 5, by Lynn Ashton, a Youth Aide Officer, by Jack Pelaro, the Chief of Police in Old Town, Maine, by Edmund Smith, District Judge

in Waterville County, by Maynard Crither, a member of the Children's Counseling Center in Bangor, by Charles Green, a teacher and chairperson of the Maine Teacher's Association Task Force on School Vandalism, by Ann Terry, a school teacher, by Ethel Maskell, a member of the Homestead Project, a group home for children, a member of the Governor's Committee on Children and Youth, and a member of a local task force of the Children and Youth Services Planning Project, by Dave Perse, former disciplinary assistant principal at a Portland high school, by F. Davis Clark, the Deputy Chief Judge of the District Court, and by Marvin Glaser, a defense attorney.

These speakers addressed the need for early identification of children in need of services; for additional vocational, educational and alternative school opportunities for children; the need for special education for handicapped and special needs children; the need for diversion projects to screen children who should not be brought before the juvenile court. Some also suggested that the jurisdictional age limit for juvenile courts be lowered to 16 years, that statutes proscribing status offender behavior should be repealed; that the publication of names of juvenile offenders should be mandatory; that appearance delays in juvenile courts should be alleviated; that the bind-over procedures for juvenile courts should be relaxed; that additional judges are necessary to handle juvenile matters; that specialized

training of judges and lawyers who handle juvenile proceedings is necessary; and that additional dispositional alternatives for court-related children must be made available.

The third public hearing was held on Thursday, May 27th in Augusta. The Commission was addressed by Judy Kanenay, a State Representative from Waterville, by Margaret Miscovisch, a State Representative from Augusta, by Elmer Norton, Associate Commissioner of the Bureau of Instruction in the Department of Education, by Arron Perhamamsden, President of the Maine Teacher's Association, by Joan Johas, a parent, by Sharon Barney, the Chief of Police in Winthrop, by Bill Ealhohan, Superintendent of Schools in Augusta, by Barbara Fredericks, a junior high school teacher, by Patricia Marvin, a parent, by Harvey Bevaine, a State Representative, and by Mary Kane, a citizen.

These people addressed the issues of disclosure or non-disclosure of records of juvenile proceedings; of the publication of the names of juveniles who are adjudicated delinquents in juvenile proceedings; of the problems of truancy and dropouts; of the need to lower the age of juvenile court jurisdiction to 16; of the need for additional probation services and additional juvenile court judges; of the need for specialized training for juvenile judges; and of the need for statistics on the number of children who are suspended or expelled from schools in Maine.

The following week, hearings were held in Saco and Lewiston.

In Saco, the Commission was addressed by Richard Lum, a Chief of Police, by Lawrence Bernard, a Superintendent of Schools, by William Webber, of the York City Youth Action Group, by John Mills, a probation officer, by David Corbett, of the Saco Police, by Ron Braevil, of the Criminal Justice Program, and by Dan Kerler, a parent.

These speakers addressed the need for reform in truancy statutes; reform in the court system, including the need for judges with specialized training to deal with juvenile matters; a need for additional evaluation services to be available to juvenile courts; the need for emergency housing and long-term housing for children in need of out of home placement; and the need for alternative schools and vocational training for children who cannot function in the school system as currently structured.

The next hearing was held at Presque Isle. The Commission was addressed by Sonya Fongamene, of the Aroostook YES project, by Romeo Marker, principal in the Presque Isle school system, by Lawrence Ritchi, a principal at Katabha High School, by Gorda Miller, the LEAA Regional Planner, by Daniel Boothby, a Superintendent of Schools in Limestone, by Albert Watt, a school principal in Limestone, by a Mr. Dubois, an assistant superintendent in Van Voner, by Mark Keeyan, a Superintendent of Schools, and by Phil Peterson, a State Representative.

These speakers told the Commissioners that there is a need for additional early intervention programs; a need for diversion programs; a need for a change in the truancy statutes; a need for additional dispositional alternatives for juvenile judges; a need for more group homes, emergency shelter care and long-term shelter care facilities; and a need for alternative education and vocational education.

The final hearing was held in Lewiston. At that hearing the Commission was addressed by Tony Grenier, of Lewiston Youth Bureau, Ray Cook of RAP, Inc., Mark Marner, a school liaison officer, Margarett Randolph, a guidance counselor in the Lewiston School system, Geneva Kirk, a Lewiston high school teacher, George Jenkins, a teacher, and Walter Hill, a youth aid officer in Auburn.

These people spoke about the need for more specialized and individualized handling of juvenile cases; for additional probation services; the need to publish information about juveniles accused of, or adjudicated as having committed, delinquent acts; the need for additional emergency detention facilities and long-term shelter care facilities for children; the need for additional diversion projects; and the need for educational alternatives for children who truant from or dropout from schools.

The Commission plans a second round of public hearings to be held in early November, which will be based on a preliminary report of the Commission's work which will be published by the middle of October.

MEMORANDUM

July 29, 1976

TO: All Members of the Commission
FROM: Joan FitzGerald and Peter DuBois

We have contacted Chief Judge Ross of the District Court and the Chief Justice of the Superior Court. Both jurists accepted the Commission's invitation to meet with Commission members. Judge Ross will select additional District Court judges to meet with the Commission during its regularly scheduled meetings on September 10th and, possibly, on September 24th, as well. The Chief Justice asked Elizabeth Belshaw, court administrator, to respond to our invitation. In a letter dated July 20th, Ms. Belshaw advised us that the Four Regional Presiding Justices of the Superior Court will meet with the Commission to discuss juvenile matters at the Superior Court level. However, she will be unable to confirm either the September 10 or September 24 meeting until the regular monthly meeting of the Justices on Friday, July 30th.

MEMORANDUM

July 29, 1976

TO: All Members of the Commission
FROM: Joan FitzGerald and Peter DuBois

This is just a reminder that the next Commission meeting will be held next Thursday, August 5th at the Oblate Retreat House, 135 State Street, Augusta, Maine at 10:00 A.M. The agenda for that meeting will include a discussion of the Goal Area of PREVENTION and a meeting with Commissioner Smith of the Department of Human Services.

Some suggested reading material is included. The data which Dale Carter is preparing for this discussion is not yet completely tabulated so it is not included here, but it will be available for the August 5th discussion.

MEMORANDUM

August 19, 1976

TO: All Commission Members to Revise
Juvenile Statutes in Maine

FROM: Joan E. FitzGerald

Enclosed please find the minutes of the
Commission meeting of August 5, 1976.

An agenda for the next Commission meeting
is being prepared and will be sent to you as
soon as it is ready.

MEMORANDUM

TO: Maine Commission to Revise Statutes
Relating to Juveniles

FROM: Joan FitzGerald

Please note that the agenda for the next Commission meeting, which will be held on Friday, September 10 at the Oblate Retreat House, 136 State Street in Augusta, will be CRIMINAL BEHAVIOR. The meeting will begin at 10:00 a.m.

Enclosed you will find some suggested reading materials for that discussion.

STATE OF MAINE
COMMISSION TO REVISE STATUTES
RELATING TO JUVENILES

Joseph J. Jabar, Chairman
District Attorney
Kennebec County Courthouse
Augusta, ME 04330

DRAFT PRESS RELEASE

September 24, AUGUSTA -- The Maine Commission to Revise Statutes Relating to Juveniles announced today that it would release its Preliminary Report of Findings and Recommendations by mid-October. The report will address important issues in four areas: Delinquency Prevention, Non-Criminal Delinquent Behavior, Criminal Delinquent Behavior, and the Juvenile Court. It will summarize the results of the Commission's research and deliberations to date and will include an outline of the legislative recommendations which the Commission has tentatively settled on.

Joseph Jabar, Kennebec County District Attorney and Chairman of the Commission, explained that the document is a "progress report on the Commission's work which is intended to inform and further involve all interested citizens in the refinement of final recommendations for improving Maine's juvenile statutes." Mr. Jabar pointed out that a summary of the report will be mailed to the news media and everyone who has expressed an interest in the Commission's activities. And as a follow-up to the release of the report, the Commission will hold its second round of public hearings. These hearings will focus on reactions to the preliminary findings and recommendations. They will be held on November 4 in Portland, November 5 in Augusta and November 6 in Bangor.

The Commission has been meeting since last winter and plans to submit a series of recommendations to the Legislature by early January. It is coordinating its activities with a number of task forces and projects interested in juvenile justice policy changes, as well as a recently established Joint Select Committee of the Legislature.

MEMORANDUM

October 5, 1976

TO: Maine Commission to Revise Statutes
Relating to Juveniles

FROM: Joan FitzGerald and Peter DuBois

Please note that the agenda for the next Commission meeting will concentrate on the review and adoption of the Commission's Preliminary Report on Findings and Recommendations. This meeting will be held on Friday, October 15 at the Oblate Retreat House, 136 State Street, Augusta. It will begin at 10:00 a.m.

Enclosed please find the minutes of the Commission meetings held on September 24 and 25, 1976.

STATE OF MAINE
COMMISSION TO REVISE STATUTES
RELATING TO JUVENILES

Joseph M. Jabar, Chairman
District Attorney
Kennebec County Courthouse
Augusta, Maine 04330

FOR IMMEDIATE RELEASE: October 20, 1976, 11:30 A.M.,
State House, Augusta, Maine --

Statement of: Joseph M. Jabar, Esq., Chairman,
Maine Commission to Revise Statutes Relating to
Juveniles:

I am pleased today to release the "Summary of the Preliminary Report of Recommendations and Analysis of the Maine Commission to Revise Juvenile Statutes". The report contains seventeen specific recommendations for the improvement of Maine's juvenile justice system in the areas of prevention, non-criminal behavior, criminal behavior and juvenile courts.

These recommendations were formulated by a Commission composed of a representative group of professionals and legislators who work in the juvenile field in Maine. We have been working together over the past year with a group of technical assistants and consultants. During that time the following guiding principles emerged from our deliberations:

- I. Children and youth at risk should be provided with whatever supportive and

rehabilitative services are necessary to ensure their healthy development.

- II. Children and youth services must be provided in a way that recognizes the individual differences among people and the essential differences between young people and adults.
- III. The liberty of individual children and youth is no less important than that of adults and is therefore to be protected so long as it is consistent with the liberty of others.
- IV. Children and youth who are accused of criminal behavior should be treated by the justice system in a manner that clearly acknowledges the seriousness of the crime and adequately protects the constitutional rights of the accused.
- V. The state is obligated to observe strict parsimony in intervening in the lives of children and youth. The state has the burden of justifying why any given intrusion -- and no a lesser one -- is called for.

Briefly, our recommendations include:

- Support for a unified children and youth services agency responsible for and capable of planning, coordinating, delivering and evaluating all necessary social and correctional

services for young people.

- An extension of present policies regarding truancy including support for more intensive efforts by parents, educators, social services workers and students to keep students from leaving school and the elimination of juvenile court jurisdiction over truancy.
- The elimination of vaguely defined status offenses for juveniles and a clear definition of responsibility on the part of state social service agencies for services to runaways and juveniles who are beyond control of their parents.
- A strong requirement that community programs be provided to alcohol and drug abusing juveniles before residential placements can be used.
- A strong prohibition against detaining or incarcerating juveniles in adult jails and a requirement that the state establish and maintain regional juvenile detention and evaluation facilities.
- Change in juvenile arrest and court hearing procedures to conform them to adult criminal code standards.
- Opening juvenile hearings to the public where

Class A, B or C type offenses are involved.

- Support for increased juvenile law education and more reasonable salary and fee schedules for judges and members of the bar who handle juvenile cases.

These recommendations recognize that there is juvenile behavior which warrants strictly social services and other behavior which requires a serious law enforcement response coupled with attempts at rehabilitation.

We want to make sure that juveniles who are troubled and need help, possibly along with their families, receive that help directly and without the taint of the criminal justice system.

We also want to make sure that juveniles who are accused of committing an offense are treated in a thoroughly serious manner, which is respectful of their constitutional rights, protective of the community's safety and productive of just results for all concerned.

The Commission is interested in obtaining responses to this report before making its final statutory recommendations to the legislature. This report is available to the public. We will be holding hearings in early November in Portland, Augusta, Bangor and Presque Isle to solicit reactions to our preliminary recommendations and analysis. In addition, we will continue to share our materials and to coordinate our efforts with the other task forces and commissions which are working around the state in related fields.

Thank you for your attention. I will be happy to answer any of your questions.

DEVELOPMENTAL RESEARCH CENTER, INC.

(A NON PROFIT ORGANIZATION)

October 22, 1976

MEMO

TO: All Commission Members

FROM: Joan FitzGerald

Enclosed are copies of:

1. The minutes of the Commission meeting held in Augusta on Friday, October 15.
2. The notice of the public hearings which the Commission has scheduled.
3. The statement made by Joe Jabar at the press conference held in Augusta on Wednesday, October 20 at which a summary of the preliminary report was released.

On Wednesday, October 20, we gave a printer's copy of the summary of the preliminary report to David Els who is having it reproduced and mailed to everyone on the Commission's mailing list.

The Preliminary Report itself is now at the printers and will be mailed to you early next week.

See you at the public hearings!

STATE OF MAINE
COMMISSION TO REVISE
STATUTES RELATING TO JUVENILES

Joseph M. Jabar, Chairman
District Attorney
Kennebec County Courthouse
Augusta, ME 04330

Notice of Public Hearings

The Maine Commission to Revise Statutes Relating to Juveniles will hold four public hearings in Portland, Augusta, Bangor, and Presque Isle during early November. The purpose of these hearings is to discuss the reactions of interested citizens to the Commission's preliminary recommendations, which are described in the Commission's "Preliminary Report of Recommendations and Analysis" (October, 1976) and "Summary of Preliminary Report of Recommendations and Analysis" (October, 1976). These will be the last public hearings before the Commission makes its final recommendations to the Legislature.

The schedule for the hearings is:

November 4--7:00 p.m., Luther Bonney Auditorium
University of Maine
Portland

November 5--7:00 p.m., Folsom Hall
University of Maine
Presque Isle

November 6--1:30 p.m., Council Chambers
City Hall--3d floor
Bangor

November 8--7:00 p.m., Cushnoc Room
Augusta Civic Center (Belgrade Interchange)
Augusta

DEVELOPMENTAL RESEARCH CENTER, INC.

(A NON PROFIT ORGANIZATION)

November 22, 1976

MEMORANDUM:

To: All Commission Members
From: Joan FitzGerald
Peter DuBois

Enclosed you'll find the minutes of the Commission meeting held on November 12th in Augusta.

Please note: that an additional Commission meeting has been scheduled for Friday, December 3rd at 10:00 A.M. at the Oblate Retreat House, 136 State Street, Augusta. The purpose of that meeting is to review those preliminary recommendations that were not reviewed at the November 12th meeting, and to adopt final recommendations from them.

Also enclosed here is a copy of the preliminary report of the Children and Youth Services Planning Project. You will notice that their recommendations, in the areas where there is overlap, are very similar to those of the Commission.

For those of you who were unable to make the November 12th meeting, we have also included copies of the final report of a task force sponsored by the Department of Education in 1974. During his meeting with the Commission on November 12th, Commissioner Millet indicated that he supported those recommendations. (They were unsuccessfully introduced during the 107th Legislature as L.D. 1079.)

And, finally, we have enclosed a copy of a letter from Dale Doughty, Superintendent of the Winthrop Public Schools, to John Weldon in which Mr. Doughty comments on the Commission's preliminary recommendations. (We're distributing that letter at John's suggestion.)

Have a good Thanksgiving! See you on December 3rd.

November 22, 1976

P.S. Also included, for those not at the November 12th meeting, is a copy of the "Report on Analysis of Available Statistical Data Related to the Juvenile Court" that Dale and Katherine Carter have prepared.

December 6, 1976

Memorandum

To: Mrs. Gauthier, Henderson and Hobbins
From: Joan FitzGerald and Peter DuBois

At the last Commission meeting held on Friday, December 3rd, Woody Jones raised some questions about legislative strategy and the juvenile code which the Commission will issue later this month. The Commission agreed to put those questions on the agendas for the next two Commission meetings on December 9th and December 16th. As staff, we were asked to make a special effort to advise you, the legislators on the Commission, about those agenda items.

Please attend both of those meetings if your schedules permit. Your input in discussions about legislative strategy is essential. Thanks.

December 6, 1976

Memorandum

To: All Commission Members
From: Joan FitzGerald and Peter DuBois

Enclosed you will find the minutes of the meeting held on last Friday, December 3rd in Augusta. You'll also find a corrected version of page 4 of the minutes of the previous meeting held on November 12th. The minutes that you initially received for that meeting inadvertently omitted the vote taken that afternoon on preliminary recommendation #4 under Juvenile Courts. (i.e., "bind-over" procedures) This corrected copy accurately reflects that vote. Sorry for the mistake.

PLEASE NOTE: The next Commission meeting is scheduled for this Thursday, December 9th at the Oblate Retreat House in Augusta at 10:00 A.M.

An additional meeting has also been scheduled for December 16 at the same hour and in the same place.

At the meeting on December 9th, we will review the legislative language in Chapters 1-3 (included here for those of you who didn't make the December 3rd meeting); complete a review of the preliminary recommendations and discuss legislative strategy.

At the meeting on December 16th, we will review the legislative language in Chapters 4-11 (which will be distributed at the meeting on December 9th) and discuss legislative strategy.

These are very important meetings. Please attend both of them if at all possible.

We'll see you on the 9th.

DEVELOPMENTAL RESEARCH CENTER, INC.

(A NON PROFIT ORGANIZATION)

December 6, 1976

TEL. (617) 266-5986

Memorandum

To: Joe Jabar, Woody Jones, Don Allen, Jim
Henderson and Tom Kane
From: Joan FitzGerald and Peter DuBois

Hi. We'd like to have a meeting with you - the executive committee - on December 9th after the Commission meeting. We anticipate that the Commission will complete its business by 4 P.M. that day, at the latest. We want to discuss an extension of our work in Maine with you all.

We've asked Dave Els to join us.

DEVELOPMENTAL RESEARCH CENTER, INC.

(A NON PROFIT ORGANIZATION)

December 7, 1976

MEMORANDUM

TO: Maine Commission to Revise Statutes
Relating to Juveniles

FROM: Peter DuBois and Joan FitzGerald

Attached is a copy of the Juvenile Justice section which we prepared for the document submitted to Commissioners Millett, Smith, and Zitnay which described the areas of overlap among children's services task forces in Maine.

This document was submitted on December 1. The other three groups who contributed sections were:

Children and Youth Services Planning Project;

Abuse and Neglect Task Force, State Human Services Council; and

Substitute Care Task Force, Cumberland County United Way.

We will continue to work through this process in an effort to explain the Commission's recommendations and obtain maximum support for them.

JUVENILE JUSTICE

- 1) **RECOMMENDATION:** Eliminate running away as a juvenile offense and enable the Department of Human Services to assume full responsibility for services to runaways and their families, including 24 hour intake and referral, emergency shelter care, substitute care, and case follow-up.
- Commonality:** All work groups support this recommendation.
- Differences:** None.
- Administrative:** Assist with establishing necessary services.
- Statutory:** Eliminate running away as a juvenile offense, treat it as a neglect situation and mandate responsibility for services to runaways and their families in the Department of Human Services.
- Appropriations:** These services would be provided as a result of the implementation of the recommendations for 24 hour emergency services for abuse and neglect, additional substitute care services, and restored family care services.
- Comments:** The statutory reforms will provide solutions to any custody problems which might limit the Department's ability to provide necessary services.

2) RECOMMENDATION: Eliminate incorrigibility as a juvenile offense and enable the Department of Human Services to exercise responsibility for services to children and youth who are beyond control of their parents and to their families, by restoring the family care worker capability to DHS.

Commonality: All work groups support this recommendation.

Differences: None

Administrative: Assist with re-establishing necessary capability.

Statutory: Eliminate incorrigibility as a juvenile offense and re-establish responsibility and authority for family care work in Department of Human Services.

Appropriation: CYSPP estimates that a legislative personnel authorization for twelve family care worker positions (two per region) will be necessary. At an average cost of \$15,000/yr/worker this means an appropriation of \$180,000. Of this amount, 75% or \$135,000 could be funded by Federal Title XX; the remaining \$45,000 would be drawn from state funds.

3) RECOMMENDATION: Require that a detailed commitment to preventive and other community services for substance abusing youth be delineated in the ODAP annual plan and the state Title XX plan.

Commonalities: All work groups support this recommendation.

Differences: None

Administrative: Administrative mandates and oversight can completely implement this recommendation.

Statutory: No legislation is required.

Appropriations: None

- 4) RECOMMENDATION: Establish a juvenile court intake and assessment capability.
- Commonality: All work groups support this recommendation.
- Differences: None
- Administrative: Assist with establishing new service.
- Statutory: Authorize and establish new service.
- Appropriations: A legislative personnel authorization for ten intake and assessment officers will be required. These positions will cost an estimated \$15,000/yr/officer; therefore, the total funding required is \$150,000. This amount could be financed by a 75% contribution from Title XX, for a federal share of \$112,500 and a state share of \$37,500 annually.

- 5) **RECOMMENDATION:** Strictly prohibit the detention of juveniles in adult facilities and establish a spectrum of facilities for detaining juveniles independently.
- Commonality:** All work groups support this recommendation.
- Differences:** None
- Administrative:** Assist with implementation; specifically, require that the emergency shelter and substitute programs in Portland, Bangor and Aroostook County each provide three slots for juvenile detainees.
- Statutory:** Authorize and mandate the establishment of all necessary services.
- Appropriations:** Most of the necessary service slots would be provided through implementation of the recommendations for emergency shelter care for abuse and neglect and additional substitute care slots. Additional secure locked-up facility slots should become available as LEAA funds continue to finance the renovation of county jails, including separate juvenile facilities.

6) RECOMMENDATION: Expand student eligibility for the statutorily mandated state-wide special education program to include habitually truanting students and dropouts.

Commonality: All work groups support this recommendation.

Differences: None

Administrative: No major changes in present practices.

Statutory: Expand definition of students eligible under this program to include habitual truants and dropouts.

Appropriations: CYSPP estimates this will add 1000 new students to the program. Average state expenditure per student in the program now is \$1000. Therefore, an estimated \$1.0 million will be needed to fund this recommendation. Possible federal sources for these funds are the \$1.4 million P.L.94-142 will provide and ESEA Title I.

- 7) RECOMMENDATION: Eliminate truancy as a juvenile offense and stress more intensive use of special education programs, social services and existing statutory requirements for parental cooperation in dealing with truancy.
- Commonality: All work groups support this recommendation.
- Differences: None
- Administrative: No changes required at state level. Local school administrators should pursue policy outlined above.
- Statutory: Eliminate truancy as a juvenile offense and impose clear mandates supporting alternative policy.
- Appropriations: None. Savings should be realized due to reduced use of Maine Youth Center, county jails and municipal lock-ups. Implementation of family care workers and expanded special education program recommendations will provide additional services required.

NOTE: The Commission to Revise Statutes Relating to Juveniles will be presenting to the legislature a package of recommendations which, in addition to those described here, will include proposals for improving--

- juvenile arrest standards;
- juvenile offense criteria;
- procedural requirements -- pretrial, trial, and dispositional;
- standards for bind-over of cases to superior court;
- juvenile court administration;
- continuing education for juvenile judges and attorneys; and
- salary and fee standards for juvenile judges and attorneys.

These recommendations were not included in this document since they relate to issues not considered in detail by the other work groups.

DEVELOPMENTAL RESEARCH CENTER, INC.

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TEL. (617) 266-5986

December 13, 1976

NOTICE

This is a reminder that the next meeting for the Maine Commission to Revise Statutes Relating to Juveniles will be held at the Oblate Retreat House, 136 State Street, Augusta, Maine on December 16, 1976 at 10:00 a.m.

Among the agenda items will be:

- final decisions regarding Commission's recommendations on truants, dropouts, expulsion and exclusion;
- legislative strategy and principle authors for Commission legislation; and
- final review of some of the draft legislation prepared to implement Commission recommendations.

This is obviously a very important Commission meeting, and we urge all members to attend.

DEVELOPMENTAL RESEARCH CENTER, INC.

(A NON PROFIT ORGANIZATION)

TEL. (617) 266-5986

January 7, 1977

MEMORANDUM

TO: Commission Members

FROM: Peter DuBois and Joan FitzGerald

RE: Notice of Future Meetings

At its last meeting, the Maine Commission to Revise Statutes Relating to Juveniles decided to hold two additional meetings for purposes of reviewing in detail the first draft of the proposed juvenile code. These meetings are scheduled for January 13 and January 20.

The meeting on January 13 will be held at the Oblate Retreat House, Augusta, Maine. The meeting will begin with lunch at 12:00 noon and will continue, if necessary, into the early evening. In addition to reviewing the proposed juvenile code, this meeting will focus on a discussion of legislative strategy and principle authors for the Commission's legislation.

The meeting on January 20 will begin at 10:00 a.m. and will take up any issues which remain to be discussed regarding the proposed draft code.

These meetings are of great importance to the work of the Commission, and Chairman Jabar urges all members to attend.

As one with a special interest in the future of children and young people in Maine, you are invited to attend a public hearing of the Commission to Revise the Statutes Relating to Juveniles. The Commission, created by the 107th Maine Legislature to examine the laws and court procedures which concern juveniles, has tentatively adopted a set of goals a copy of which is enclosed.

I hope you, or someone you know who may be interested, will be able to attend our Bangor hearing which will be held beginning at 7:30 pm in the Council Chambers at Bangor City Hall. Members and staff of the full Commission will be there to explain our mission and our progress to date. Primarily we are interested in public comment on our direction and on problems we should be addressing.

Other hearings will be held in Portland and Augusta, with smaller "mini-hearings" in several additional Maine communities.

Hope to see you Wednesday evening, May 26th. (I almost forgot the date! Please don't you forget it.)

Sincerely,

Rep. James S. Henderson