

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 520

H. P. 409

House of Representatives, January 30, 1969

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Vincent of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Incurrigibles at Juvenile Training Centers.

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

R. S., T. 15, § 2717, repealed and replaced. Section 2717 of Title 15 of the Revised Statutes, as repealed and replaced by section 2 of chapter 391 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 2717. Incurrigible, commitment to correctional center

Any person committed to the center who is considered by the superintendent to be incapable of benefitting from the program at the center and who willfully and persistently refuses to obey the rules and regulations of the center may be deemed an incurrigible, and may be subject to proceedings under this section.

Upon petition of the superintendent to the juvenile court, if the person is under the age of 17 years, alleging that such person is an incurrigible, the juvenile court after reasonable notice to all parties and hearing and following adjudication, based upon all relevant evidence, that the person is incapable of benefitting from the program at the center, and that such person willfully and persistently refuses to obey the rules and regulations of the center, and thus, such person is an incurrigible, shall commit such person as provided in this section. Upon the complaint of the superintendent to the District Court, if the person is 17 years of age or older, charging that such person is an incurrigible, the District Court after trial or following a plea of guilty to the charge, and conviction for incurrigibility as defined in the first paragraph of this section, shall sentence and commit such persons as provided in this section.

Commitment following an adjudication of, or conviction for, incorrigibility shall be to the Men's Correctional Center, if a male, and to the Women's Correctional Center, if a female.

As to any person committed by the juvenile court under this section, the superintendent of the correctional center shall have the same powers as provided in section 2716 and section 2718, as are provided for superintendents of centers, and such provisions shall be applicable to any person so committed to a correctional center. As to any person committed by the juvenile court under this section, upon joint written recommendation of the superintendent of the center from which the person was committed and the superintendent of the correctional center to which the person was committed, that the person has received maximum benefit from the correctional center program, is not ready for return to the community but can benefit from, and is ready for, the training center program, upon written approval of the Commissioner of Mental Health and Corrections or his delegate, the Director of Corrections, such person may be returned to the center. As to such person all provisions of this chapter shall apply as in the case of a child committed to the center, originally.

As to any person sentenced and committed by the District Court under this section, commitment, if a male, shall be as if ordered under Title 34, section 802 and if a female, as if ordered under Title 34, section 853.

A person committed by the District Court under this section becomes eligible for a hearing by the State Probation and Parole Board at any time following commitment upon recommendation therefor by the superintendent of the correctional center.