

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1730

H. P. 1381

House of Representatives, January 6, 1970

Committee on Judiciary suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Payson of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

**AN ACT Relating to County Jail Detention of
Juveniles Pending Redispotion Cases.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, from time to time, in instances requiring a training center superintendent to request judicial redispotion of a juvenile case pursuant to Title 15, section 2611, subsection 5, the person with respect to whom such request is made is destructive to person and property and severely disruptive of orderly institutional administration, and threatening to the maintenance of institutional control; and

Whereas, due to such fact, the well-being of such person and of other persons residing at the training center, and of staff members, is placed in jeopardy; and

Whereas, removal from the training center and placement in a county jail pending judicial redispotion hearing would be consistent with the needs of such persons, would provide necessary security unavailable at the training center, and would protect other persons in the committed population of the training center, and staff, assuring maintenance of control and orderly administration; and

Whereas, it is vitally necessary that the well-being of such person and other members of the committed population of the training center, and of staff, and the orderly administration of the training center be preserved; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the fol-

lowing legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 15, § 2611, sub-§ 5, amended. Subsection 5 of section 2611 of Title 15 of the Revised Statutes, as last amended by section 2 of chapter 192 of the public laws of 1969, is further amended by adding at the end the following new paragraph:

When in the opinion of a superintendent of a training center it becomes necessary, the superintendent may at the time of filing a request for judicial review of disposition under this subsection, cause the person with respect to whom the request is filed to be removed from the training center by a law enforcement officer and placed in the county jail. Such law enforcement officer shall act in such case, as in the case of an original arrest pursuant to section 2608. The request for judicial review of disposition when county jail detention is effected shall contain a request for a judicial hearing on the question of county jail detention, which shall be held as soon as the docket of the court permits. The court in such case shall act in accordance with section 2608.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.