

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1731

H. P. 1382

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 the Commitment of Juveniles to Juvenile Institutions.

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

Whereas, under existing law juvenile training centers are recipients of, and have within their committed population, persons who have committed a wide range of offenses, which if committed by adults would be felonies, and persons who have not committed any offense, misdemeanor or felony, but have been found to have committed acts not constituting crime, e. g., running away, truancy and living in circumstances of manifest danger or falling into habits of vice and immorality; and

Whereas, although, a juvenile training center is designed and operated for the rehabilitation of juveniles and not for their punishment, commitment thereto, is nonetheless, a deprivation of liberty, which deprivation under existing law may befall a juvenile who has not committed an offense recognized by the criminal law; and

Whereas, the commingling of persons who have not committed criminal acts, and persons who have committed acts, which would be crimes if committed by adults, may be severely detrimental to, and against the best interests of, persons falling within the former group, and may serve more to direct such individuals toward actual juvenile delinquency than to rehabilitate them; and

Whereas, it is vitally necessary in the interest of children who have never committed acts, which would be crimes if committed by adults, not be com-

mitted to juvenile institutions, and be thus, spared the possible harm resulting from association with sophisticated juvenile delinquents, and the deprivation of their liberty when they have committed no criminal act; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following 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-§ 4, ¶ B, amended. Paragraph B of subsection 4 of section 2611 of Title 15 of the Revised Statutes, as amended by section 1 of chapter 195 of the public laws of 1967, is further amended to read as follows:

B. Commit to the Boys Training Center or the Stevens School, if the juvenile is of the proper age; **provided that only a juvenile who has been adjudicated to have committed a juvenile offense, which would be either a misdemeanor or a felony, if committed by an adult, shall be committed to the Boys Training Center or the Stevens School;**

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