

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)

(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1732

H. P. 1383

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 Detention of Juveniles.

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

Whereas, detention of a child at a juvenile institution pending disposition of a juvenile case, brings such child into contact with the committed population of the institution, and of necessity, commingles the child who has never been adjudicated to have committed a juvenile offense with adjudicated and committed juvenile offenders; and

Whereas, such contact and commingling may be detrimental to the child who has not been adjudicated to have committed a juvenile offense; and

Whereas, the juvenile institutions are without facilities appropriate for the purpose of detention pending juvenile court disposition, and due to such lack of facilities, children committed for the purpose of detention have run away from one of the juvenile institutions; and

Whereas, it is vitally necessary in the interest of persons who have not been adjudicated to have committed juvenile offenses, and in the interest of orderly institutional administration that juvenile institutions not be designated as places for the detention of children pending disposition by the juvenile court; 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, § 2608, amended. The 2nd sentence of the 2nd paragraph of section 2608 of Title 15 of the Revised Statutes, as amended by chapter 160 of the public laws of 1967, is further amended to read as follows :

In exercising its discretion, the court may order that the juvenile be detained, pending disposition of the case, in any place deemed by the court to be suitable, including a jail ~~and juvenile institutions~~, **excepting juvenile institutions.**

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