

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2275

H. P. 1795

House of Representatives, January 2, 1974

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

**AN ACT Creating a Division of Youth Services within the
Bureau of Corrections.**

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

Whereas, there exists an immediate and pressing need to develop a state-wide range of services for pre-delinquent juvenile and juvenile offenders in Maine, such need having been created in part by recent changes in the law wherein the maximum age of juvenile offenders has been increased to 18 years and wherein there are new substantial limitations on the juvenile courts dispositional alternatives in certain cases; and

Whereas, these important needs can be met through the creation of a Division of Youth Services, the direct responsibility of which will be to develop, provide and coordinate the needed services to pre-delinquent juveniles and juvenile offenders; and

Whereas, it is vitally necessary that these needs be met at the earliest possible time; 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:

Sec. 1. R. S., T. 15, § 2611, sub-§ 2, amended. Subsection 2 of section 2611 of Title 15 of the Revised Statutes is amended to read as follows:

2. **Continue and probation.** Continue the case for not more than one year and place the juvenile on probation under the supervision of the Division of Youth Services of the Bureau of Corrections;

Sec. 2. R. S., T. 15, § 2611, sub-§ 4, ¶ D, repealed. Paragraph D of subsection 4 of section 2611 of Title 15 of the Revised Statutes, as amended, is repealed.

Sec. 3. R. S., T. 15, § 2611, sub-§ 4, ¶ ¶ E, F and H, amended. Paragraph E, as amended, and paragraphs F and H of subsection 4 of section 2611 of Title 15 of the Revised Statutes are amended to read as follows:

E. Commit to the care of a family subject to supervision by the ~~State Parole Board~~ **Division of Youth Services of the Bureau of Corrections** or by the Department of Health and Welfare;

F. Suspend the imposition of sentence, or continue the case for sentence, or impose sentence and suspend its execution, in each case placing the juvenile on probation under the supervision of the **Division of Youth Services of the Bureau of Corrections**;

H. Make such other disposition of the case, including requiring payment of a fine in an amount within the limits fixed by statute for the offense considered as a criminal offense, as may be for the best interests of both the juvenile and the community, including referral to the **Division of Youth Services of the Bureau of Corrections for appropriate community placement and supervision by such division.** A juvenile court shall have no power, under any circumstances, to sentence any juvenile to jail or prison and no juvenile may be committed to jail or prison for failure to pay any fine imposed by a juvenile court;

Sec. 4. R. S., T. 15, § 2611, sub-§ 5, amended. The last sentence of subsection 5 of section 2611 of Title 15 of the Revised Statutes, as last repealed and replaced by section 2 of chapter 121 of the public laws of 1971, is repealed and the following enacted in place thereof:

Any child committed by redispotion to the Men's Correctional Center or Women's Correctional Center under this section shall be discharged therefrom upon attainment of the age of 18 years and may be released therefrom in accordance with the provisions of the parole law applicable to such institutions.

Sec. 5. R. S., T. 34, § 531, additional. Title 34 of the Revised Statutes is amended by adding a new section 531 to read as follows:

§ 531. Division of Youth Services

There is established within the Bureau of Corrections of the department a Division of Youth Services, hereinafter called the "division," which shall be responsible for the planning, development, coordination and supervision of a state-wide comprehensive youth services program designed to treat, socialize and rehabilitate pre-delinquent juveniles and juvenile offenders in order to prevent, control and retard juvenile delinquency.

The division is authorized to develop and implement such diversified and innovative programs as will promote, enhance, provide and assure the oppor-

tunities for the successful treatment, socialization and rehabilitation of pre-delinquent juveniles and juvenile offenders, including, but not limited to, community-based preventative and diversionary services, halfway house and group home services and institution-based services, including aftercare.

The Director of the Bureau of Corrections shall appoint, subject to the Personnel Law, a director of the division, who shall be qualified therefor by reason of education, training and experience in the administration of youth services.

The Division of Probation and Parole and all institutions within the Bureau of Corrections shall cooperate and consult with the Division of Youth Services in carrying out their programs in order that all community services provided by the Bureau of Corrections with respect to juveniles be organized and coordinated by the Division of Youth Services.

The Director of the Bureau of Corrections is authorized to assign personnel of the component institutions and divisions of the Bureau of Corrections and to allocate funds appropriated thereto in the implementation and execution of the various functions of the Division of Youth Services.

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

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.