

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 397

H. P. 325

House of Representatives, January 28, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Hinds of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Lower the Age of Juveniles Subject to the Juvenile Act.

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

Sec. 1. 15 MRSA, § 2502, sub-§ 1, last sentence, as amended by PL 1973, c. 788, § 63, is further amended to read:

For the purpose of determining the guilt of any person over the age of ~~18~~ 17 years charged as an accessory to any offense committed by a juvenile, such offense shall be deemed to be the same as if committed by a person who is not a juvenile.

Sec. 2. 15 MRSA, § 2502, sub-§ 6, is enacted to read:

6. Juvenile. "Juvenile," for purposes of chapters 401 to 409, means any person under the age of 17 years at the time the act or offense specified in chapters 401 to 409 was committed, but shall not include any person who has attained the age of 21 years.

Sec. 3. 15 MRSA, § 2714, first sentence, as last amended by PL 1973, c. 788, § 64, is further amended to read:

A boy between the ages of 11 and ~~18~~ 17 may be committed to the Boys Training Center and a girl between the ages of 11 and ~~18~~ 17 may be committed to the Stevens School, pursuant to chapters 401 to 409.

Sec. 4. 15 MRSA, § 2719, 2nd ¶, as amended by PL 1973, c. 788, § 65, is further amended to read:

Upon petition to the juvenile court, if the person is under the age of ~~18~~ 17 years, alleging that such person has committed an assault or assault and

battery as defined in Title 17, section 201, upon any officer or employee of the center, or has been absent without leave from the center in 3 or more instances, or has attempted to do so in 3 or more instances, or has committed any offense while under commitment to the center, specifying the fact of commitment and the offense, the juvenile court after reasonable notice to all parties, and hearing, and following a finding and adjudication, based upon all relevant evidence, that an offense covered by this section has been committed by such person, shall commit such person as provided in this section.

Sec. 5. 15 MRSA, § 2719, 3rd ¶, as amended by PL 1973, c. 788, § 65, is further amended to read:

Upon complaint to the District Court, if the person is ~~18~~ 17 years of age or older, charging that such person has committed an assault or assault and battery as defined in Title 17, section 201 upon any officer or employee of the center, or has been absent without leave from the center in 3 or more instances, or has attempted to do so in 3 or more instances, or has committed any offense while under commitment to the center, specifying the fact of commitment and the offense, the District Court after trial, or following a plea of guilty to the charge and conviction, shall sentence and commit such person as provided in this section.

Sec. 6. Application. The changes effected by the provisions of this Act shall not apply to cases pending on the effective date of this Act or to persons charged with acts or offenses which occurred before the effective date of this Act.

STATEMENT OF FACT

Since October of 1973, persons between the ages of 17 and 18 have been deemed to be juveniles and treated as such by the juvenile courts. Prior to October 1973, they were deemed adults. Experience has shown that 17-year-olds are significantly more mature than their 16-year-old counterparts, and in fact, often commit crimes with 18-year-olds. The purpose of this Act is to change the age back to 17. It is not necessary to amend Title 15, section 2502, subsection 4, defining "juvenile offender." Another bill, entitled "An Act to Provide Continuing Jurisdiction over Juvenile Offenders," would amend that subsection to eliminate any reference to age.