

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 434

H. P. 350

House of Representatives, January 29, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Mulkern of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Remove District Court Jurisdiction over Noncriminal Acts
Committed by a Juvenile.

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

Sec. 1. 15 MRSA, § 2502, sub-§ 1, first sentence, is amended to read:

“Adjudication of a commission of a juvenile offense” is the adjudication or judgment which is made by an appropriate juvenile court, or by the Superior Court in appeal cases from juvenile courts, upon its finding that a juvenile has committed any ~~of the offenses or acts specified in chapters 401 to 409~~ offense which would be an offense under the criminal law of this State if committed by a person 18 years of age or over, excepting those offenses specifically excluded under section 2552.

Sec. 2. 15 MRSA, § 2502, sub-§ 2 is repealed.

Sec. 3. 15 MRSA, § 2502, sub-§ 4, as amended by PL 1973, c. 351, is further amended to read:

4. **Juvenile offender.** “Juvenile offender” means any child under 18 years of age who has been found by an appropriate juvenile court to have committed any ~~of the acts or offenses specified in chapters 401 to 409~~ offense which would be an offense under the criminal laws of this State if committed by a person 18 years of age or over, excepting those offenses specifically excluded under section 2552.

Sec. 4. 15 MRSA, § 2551, first sentence, is amended to read:

The District Court shall have exclusive, original jurisdiction over all juveniles in relation to ~~acts and~~ offenses within the scope of chapters 401 to

409 committed within the respective territorial jurisdictions of said court by such juveniles.

Sec. 5. 15 MRSA, § 2552, first ¶ is repealed and the following enacted in place thereof:

The exclusive, original jurisdiction of juvenile courts shall include all offenses committed by juveniles, except as hereinafter described, which would be offenses under the criminal law of this State, if committed by a person 18 years of age or over.

Sec. 6. 15 MRSA, § 2553 is amended to read:

§ 2553. Uniform compact petition

Juvenile courts shall have jurisdiction over all petitions, brought under the Uniform State Compact on Juveniles, Title 34, chapter 9, pertaining to juveniles as defined in section 2502, who have been adjudged delinquent in other states, but who are found within the territorial jurisdiction of Maine, provided that the offense ~~or act~~ involved is of such nature that had it been committed originally in Maine it would have fallen within the jurisdiction of Maine juvenile courts.

Sec. 7. 15 MRSA, § 2601, sub-§ 1, first sentence, is amended to read:

Any person may make application, orally or in writing, to any juvenile court having territorial jurisdiction over the ~~acts or~~ offenses covered by chapters 401 to 409.

Sec. 8. 15 MRSA, § 2601, sub-§ 2, is amended to read:

2. **Who may file petition.** Any person having reasonable cause to believe, or personal knowledge, that any juvenile has committed offenses ~~or acts~~ covered by chapters 401 to 409 may file a petition with any juvenile court having territorial jurisdiction over said ~~acts or~~ offenses.

Sec. 9. 34 MRSA, § 1501, sub-§ 4, as amended by PL 1973, c. 788, § 172, is further amended to read:

4. **Juvenile.** "Juvenile" means a person under the age of 18 years or a person who is alleged to have committed, while under the age of 18 years, any ~~acts or~~ offenses covered by Title 15, chapters 401 to 409 regardless of whether, at the time of the proceeding, such person is of the age of 18 years or over.

STATEMENT OF FACT

This legislation simply removes the jurisdiction of the District Court over juveniles whom the court is prohibited from sentencing to juvenile and correctional institutions.

The legislation effects recommendation #6 of the report of the Governor's Task Force on Corrections.