

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 462

H. P. 368

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. Faucher of Solon.

Cosponsor: Mr. Carey of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Reducing the Maximum Age of a Juvenile Offender to 16.

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

Sec. 1. 15 MRSA, § 2502, sub-§ 1, last sentence, as last 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~~ 16 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-§ 4, as last amended by PL 1973, c. 351, is further amended to read:

4. **Juvenile offender.** "Juvenile offender" means any child under ~~18~~ 16 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.

Sec. 3. 15 MRSA, § 2611, sub-§ 5, last ¶, as enacted by PL 1973, c. 522, § 1, is amended to read:

The juvenile court shall not commit a juvenile to the Men's Correctional Center, the Women's Correctional Center, the Boys Training Center or the Stevens School if the offense or act committed by the juvenile would not be an offense under the criminal statutes of this State, if committed by a person ~~18~~ 16 years of age or over.

Sec. 4. 15 MRSA, § 2714, 1st sentence, as last amended by PL 1973, c. 788, § 64, is further amended to read:

A boy between the ages of 11 and ~~18~~ 16 may be committed to the Boys Training Center and a girl between the ages of 11 and ~~18~~ 16 may be committed to the Stevens School, pursuant to chapters 401 to 409.

Sec. 5. 15 MRSA, § 2719, 2nd and 3rd ¶¶, as last amended by PL 1973, c. 788, § 65, are further amended to read:

Upon petition to the juvenile court, if the person is under the age of ~~18~~ 16 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.

Upon complaint to the District Court, if the person is ~~18~~ 16 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. 34 MRSA, § 801, sub-§ 1-A, as last amended by PL 1973, c. 788, § 169, is further amended to read:

1-A. Males between the ages of 15 and 16 years. Males between the ages of 15 and ~~18~~ 16 years committed thereto by the juvenile court after being adjudicated to have committed a juvenile offense;

Sec. 7. 34 MRSA, § 801, sub-§ 3, as last amended by PL 1973, c. 788, § 169, is further amended to read:

3. Males of not less than 16 years of age. Males of not less than ~~18~~ 16 years of age and of not more than 26 years of age who have been convicted of, or who have pleaded guilty to, crimes in the courts of the State, and who have been duly sentenced and committed thereto.

Sec. 8. 34 MRSA, § 851, sub-§ 1-A, as last amended by PL 1973, c. 788, § 1-A, is further amended to read:

1-A. Women between the ages of 15 and 16 years. Females between the ages of 15 and ~~18~~ 16 years committed thereto by the juvenile court after being adjudicated to have committed a juvenile offense;

Sec. 9. 34 MRSA, § 851, sub-§ 3, as last amended by PL 1973, c. 788, § 170, is further amended to read:

3. **Females over 16 years of age.** Females over the age of ~~18~~ 16 years and under the age of 40 years who have been convicted of, or who have pleaded guilty to, crimes in the courts of the State, and who have been duly sentenced and committed thereto;

Sec. 10. 34 MRSA, § 853, 1st sentence, as last amended by PL 1973, c. 788, § 171, is further amended to read:

When before any court having jurisdiction, a woman over the age of ~~18~~ 16 years and under the age of 40 years is convicted of, or has pleaded guilty to, an offense punishable by imprisonment in the State Prison, or by imprisonment in the county jail for more than 6 months, such court may sentence her and order her commitment to the center, or sentence her to the punishment provided by law for the same offense.

Sec. 11. 34 MRSA, § 1501, sub-§ 4, as last amended by PL 1973, c. 788, § 172, is further amended to read:

4. **Juvenile.** "Juvenile" means a person under the age of ~~18~~ 16 years or a person who is alleged to have committed, while under the age of ~~18~~ 16 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~~ 16 years or over.

Sec. 12. 34 MRSA, § 1503, 1st ¶, as last amended by PL 1973, c. 788, § 173, is further amended to read:

Any person over the age of ~~18~~ 16 who willfully obstructs, intimidates or otherwise abets a probationer or parolee under the supervision and control of the Division of Probation and Parole and thereby contributes or causes said probationer or parolee to violate the terms and conditions of his probation or parole, after having been warned in writing by the Division of Probation and Parole to cease and desist in said relationship or association with the probationer or parolee, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

STATEMENT OF FACT

This bill will lower the maximum age of a juvenile offender from 18 to 16 years of age.