

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)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Filing No. H-731)

COMMITTEE AMENDMENT "A" to H.P. 518, L.D. 647, Bill,
N ACT Amending Laws Relating to Juvenile and Correctional
Institutions and Judicial Dispositions."

Amend said Bill by inserting after the enacting clause
the following:

'Sec. 1. 15 MRSA §2608, as amended by PL 1971, c. 160,
is repealed and the following enacted in place thereof:

§2608. Custody pending disposition

When any juvenile has been arrested, the arresting officer shall make arrangements for the juvenile's custody or safekeeping until the juvenile is brought before a juvenile court. If the arresting officer reasonably believes the juvenile will not appear at a scheduled hearing, such officer shall take the arrested juvenile before the juvenile court having territorial jurisdiction over the alleged offense for a determination of the place of custody or detention of the juvenile. If it is not during the business day of the district court, the arresting officer shall transport and deliver said juvenile to any place of detention, including a jail designated by the Department of Mental Health and Corrections as a place for the security detention of juveniles, and said juvenile shall be received and held at such place of detention, with or without process. If a juvenile is detained under this section without having been first brought before the juvenile court having territorial jurisdiction over the alleged offense, the arresting officer shall take the juvenile before the juvenile court on the next business day of the district court.

When the juvenile is brought before the juvenile court, the juvenile court shall inform the juvenile of the complaint against him, of his right to retain counsel, of his right to request the assignment of counsel and shall appoint counsel whenever necessary to protect the juvenile's rights and shall admit him to bail in accordance with section 942. If the juvenile is not released, the juvenile court shall order that the juvenile be detained in any juvenile institution or in any jail designated by the Department of Mental Health and Corrections as a place for the security detention of juveniles, provided the juvenile is segregated from criminal offenders.'

Further amend said Bill by striking out in the first line after the enacting clause the underlined abbreviation and figure "Sec. 1." and inserting in place thereof the underlined abbreviation and figure 'Sec. 2.'

Further amend said Bill by inserting after section 1 the following:

'Sec. 3. 15 MRSA §2611, sub-§4, ¶A-1, as last amended by PL 1975, c. 62, § 3, is repealed.'

Further amend said Bill by renumbering sections 2 to 4 to be sections 4 to 6.

Further amend said Bill by striking out all of section 5.

Further amend said Bill by striking out all of sections 8, 9 and 10 and inserting in place thereof the following:

'Sec. 8. 15 MRSA §2714, as last amended by PL 1975, c. 62, §4, is repealed and the following enacted in place thereof: §2714. Commitment

Only a juvenile as defined in section 2502, subsection 5,

who is 11 years of age or older at the time of the court's disposition of the case may be committed to a center pursuant to chapters 401 to 409. All commitments of such children shall be until the age of 21, and discharge from the center shall be in accordance with section 2718; but no child shall be committed who is deaf, mute, blind or a proper subject for the Augusta Mental Health Institute, the Bangor Mental Health Institute or the Pineland Center.

Sec. 9. 15 MRSA §2716, as last amended by PL 1971, c. 92, is further amended by adding at the end the following new paragraph:

In the event that any child committed to the center shall attain the age of 18 years while still under commitment, the statutory guardianship of the superintendent with respect to any such child shall terminate; however, any such child shall remain subject to the control of the superintendent and staff of the center and rules and regulations thereof until the expiration of the period of commitment or discharge from the center.

Sec. 10. 15 MRSA §2718, as last amended by PL 1975, c. 62, §5, is further amended to read:
 §2718. Discharge

The superintendent shall cause to be discharged all children committed to the center at the age of 21 ~~and may discharge any child as rehabilitated during such child's term of commitment~~ and shall cause every child committed to the center to be discharged therefrom at any time during the period of commitment that it is determined that the child has benefited optimally from services and facilities of the center and may cause any child committed

to the center to be discharged therefrom when it is determined that discharge would be in the best interest of the child.'

Further amend said Bill by renumbering sections 6 to 17 to be sections 7 to 18.

Statement of Fact

The first amendment to the bill is designated to cure an existing problem in the law under which a juvenile may be arrested and detained at a place of detention including a county jail or one of the juvenile institutions for an undetermined period of time before he is brought before the juvenile court for the first time.

The 2nd ~~a~~ amendment to the bill is to correct an inadvertent omission from the original bill. The original bill amended the law to eliminate the commitment of juveniles to correctional centers. The repeal of paragraph A-1 of subsection 4 of section 2611 of Title 15 is necessary to effect such change.

All of the remaining amendments to the bill are for the purpose of making the bill consistent with chapter 62 of the public laws of 1975 as enacted by the 107th Legislature as an emergency measure.

Reported by the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.
6/12/75

(Filing No. II-731)