

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1190

H. P. 939

House of Representatives, March 20, 1975

On motion of Mr. Gauthier of Sanford, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Joyce of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Concerning Continuing Jurisdiction over Juvenile Offenses.

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

Whereas, many juveniles who commit acts or offenses which may be deemed juvenile offenses escape the jurisdiction of the juvenile court because they become 18 years old prior to the time a petition can be brought or a hearing can be had; and

Whereas, many other juvenile offenders who were subject to the jurisdiction of the juvenile court must nevertheless be discharged from probation, the Boys' Training Center or Stevens School when they attain the age of 18 no matter when adjudication was made; and

Whereas, the foregoing has resulted in outright deprivation of the juvenile court's jurisdiction or premature termination of its continuing jurisdiction and a complete frustration of the rehabilitative and protective purposes of the juvenile law; 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. 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~~ juvenile 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Sec. 2. 15 MRSA § 2502, sub-§ 5, as last amended by PL 1971, c. 598, § 16, is repealed and the following enacted in place thereof:

5. Juvenile. "Juvenile," for purposes of chapters 401 to 409, means any person who was under the age of 18 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 § 2611, sub-§ 4, ¶ A-1, as enacted by PL 1971, c. 121, § 1, is amended to read:

A-1. ~~Commit~~ Commitment to the Men's Correctional Center or the Women's Correctional Center, if the juvenile is of the proper age, ~~said commitment to be governed by Title 34, sections 802 and 853;~~

Sec. 4. 15 MRSA § 2714, last sentence, as amended by P&SL 1973, c. 53, is further amended to read:

All commitments of such children shall be ~~for the term of their minority until the age of 21,~~ unless sooner discharged by the superintendent; 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. 5. 15 MRSA § 2718, as amended by PL 1965, c. 3, is further amended to read:

§ 2718. Discharge

The superintendent shall cause to be discharged all children committed to the center at the ~~expiration of their minority~~ age of 21 and may discharge any child as rehabilitated during such child's term of commitment.

Sec. 6. 34 MRSA § 801, sub-§ 1-A, as amended by PL 1973, c. 788, § 169, is further amended to read:

1-A. Males between the ages of 15 and 21 years. Males between the ages of 15 and ~~18~~ 21 years committed thereto by the juvenile court after being adjudicated to have committed a juvenile offense;

Sec. 7. 34 MRSA § 851, sub-§ 1-A, as amended by PL 1973, c. 788, § 1-A, is further amended to read:

1-A. Women between the age of 15 and 21 years. Females between the ages of 15 and ~~18~~ 21 years committed thereto by the juvenile court after being adjudicated to have committed a juvenile offense;

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

STATEMENT OF FACT

The separate changes of past Legislatures in raising the age of those considered to be juveniles from 17 to 18 and in lowering the age of minority to 18 has resulted in depriving or prematurely terminating the ability of the juvenile courts and institutions to deal with juveniles who were close to the age of 18. Reference is made to the emergency preamble. The purpose of this bill is to insure that juveniles who have or are about to turn 18 can be tried by the juvenile court after they are 18 and be kept on probation or in the Boys' Training Center or Stevens School until they attain the age of 20, as long as the act or offense giving rise to jurisdiction occurred before the juvenile's 18th birthday.