

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1408**

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H. P. 1120

House of Representatives, March 24, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Cooney of Sabattus.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT** Relating to Review by the Superior or Supreme Judicial Court of  
a Juvenile Court's Decision to Bind Over.

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

**Sec. 1.** 15 MRSA § 2611, sub-§ 3, is amended by adding after the first paragraph a new paragraph to read:

The facts supporting the finding of probable cause shall be included in the juvenile court record. Upon notice to the juvenile court that a petition for review is requested pursuant to this section, the juvenile court shall cause to be delivered to the Justice of the Superior or Supreme Judicial Court hearing the petition for review a copy of the juvenile court record. This paragraph is intended to provide that the type of review available to a juvenile who has been bound over for grand jury action shall be a hearing where the juvenile court's decision will not be reversed except for an abuse of discretion.

**Sec. 2.** 15 MRSA § 2661, sub-§ 1, 6th sentence, is amended to read:

The Justice of the Superior or of the Supreme Judicial Court ~~shall in no manner be bound by the finding of the juvenile court but shall hear the matter de novo~~ shall determine on review of the juvenile court record whether the juvenile court abused its discretion in finding probable cause to hold the juvenile for action by the grand jury.

### STATEMENT OF FACT

This legislation is designed to streamline the juvenile court procedure when a juvenile has been bound over for action by the grand jury. If a juvenile wishes to challenge the decision of the juvenile court to bind him over, the

Justice of the Superior or Supreme Judicial Court who reviews the decision will let the decision stand unless the reviewing justice finds the juvenile court abused its discretion. To insure the review process is meaningful, the juvenile court judge is required to include his findings of fact, which support his decision to transfer a juvenile to the Superior Court, in the juvenile court record.