

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)

(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1752

H. P. 1271

House of Representatives, April 2, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Smith of Dover-Foxcroft.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

**AN ACT to Create a Commission to Revise the Statutes Relating to Juveniles,
Including the Statutes Relating to the Juvenile Court.**

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

Whereas, the State of Maine has a long established legislative policy of dealing with juveniles and matters relating to juveniles by specialized statutes and court procedures evidencing a state responsibility; and

Whereas, constitutional principles concerning juveniles have undergone extensive change in the last decade; and

Whereas, the juvenile statutes of the State of Maine have been amended and changed from time to time on a limited and piecemeal basis, generating problems and criticisms; and

Whereas, a thorough review and revision of the juvenile statutes of the State of Maine would be extremely valuable and is long overdue; 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. Commission; duties. A special commission to be known as the "Commission to Revise the Statutes Relating to Juveniles" shall be constituted and appointed to supervise the preparation, in final legislative draft

form, of a proposed juvenile code for the State of Maine, which shall be presented to the regular session of the 108th Maine Legislature. This proposed code may, without limitation, incorporate all necessary repealers, amendments and modifications of existing laws as, in the judgment of the commission, are necessary and appropriate to accomplish the commission's purposes. The proposed code may include such new or modified provisions as, in the judgment of the commission, will best serve the interests of the people of the State of Maine, and the commission shall give due consideration to the juvenile statutes and codes of other states and of the Federal Government and of the requirements of the enforcement thereof. The commission shall give particular weight to the needs and resources of the State of Maine and of its various agencies and institutions dealing with juveniles through the areas of education, community based corrections, institutional corrections, policing agencies and the court system. The commission shall employ a chief counsel, and at its discretion, such additional counsel as may be required to perform the necessary research and drafting of such code. The chief counsel shall be responsible for meeting the requirements as set forth. The Department of Health and Welfare shall provide other staff assistance as required. The commission shall hold public hearings as may be deemed necessary to obtain information from interested members of the public and to acquaint the public with the work of the commission.

It is the purpose and intent of this Act to provide the commission with sufficient authority and funds to enable it to present to the Maine Legislature proposals for a fully modern, integrated and consistent juvenile code and juvenile court.

Sec. 2. Membership. The membership of the commission shall consist of 16 persons. The Governor shall appoint the following members of the commission: Two shall be members of the bar experienced in the trial of juvenile cases. One shall be a member of the Governor's Committee on Children and Youth, or its successor. One member shall be a representative of the community mental health program. One member shall be a child psychiatrist or psychologist. Two shall be qualified by reason of common sense and broad experience in everyday affairs as representatives of the public, which may include persons with experience in community based corrections or policing agencies. In addition, one member shall be a Senator to be appointed by the President of the Senate. One shall be a member of the House of Representatives, to be appointed by the Speaker of the House. One shall be an attorney from the Office of the Attorney General, to be appointed by the Attorney General. The Chief Justice of the Supreme Judicial Court shall designate 3 consultants to the commission who shall be active or retired members of the judiciary. One shall be a justice of the Supreme Judicial Court, one shall be a judge of the Superior Court, and one shall be a judge of the District Court. One member shall be a representative of the juvenile corrections system of the State of Maine, to be appointed by the Commissioner of Mental Health and Corrections. One shall be a representative of the Department of Health and Welfare to be appointed by the Commissioner of Health and Welfare. One member shall be the Director of the Children and Youth Services Planning Project or his designee. Members chosen shall serve for the duration of

this Act, to be no less than 2 years from the date of passage. In the event of the death or resignation of any member, the person who appointed the original member who has died or resigned shall appoint a new member in the same manner as the original appointment. Eight members of the commission shall constitute a quorum.

Sec. 3. Meetings. The commission shall be appointed promptly upon enactment of this Act and the Governor shall notify all members of the time and place of the first meeting. At that time, the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer and adopt rules as to the administration of the commission and its affairs. The commission shall maintain any minutes of the meetings and financial records which may be required by the State Auditor and shall report periodically its progress to the Governor.

Sec. 4. Chief counsel. The commission shall contract a chief counsel, who need not be a resident of this State, who shall have responsibility for legal research and drafting, as required in connection with the preparation of the proposed juvenile code, under the direction and supervision of the commission. No person shall be employed as chief counsel who shall not, by virtue of prior training, experience, ability and reputation, have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission. The chief counsel shall coordinate his efforts with the appropriate legislative agency concerned with statutory revision on matters involving the form of any recommended legislation.

Sec. 5. Reimbursement of expenses. The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures.

Sec. 6. Other funds. The commission shall be authorized, on behalf of the State, to seek and accept funds from any other source, including the Federal Government, and to seek the advice and assistance of the Maine Law Enforcement Planning and Assistance Agency in carrying out its duties.

Sec. 7. Appropriation. There is appropriated from the General Fund to the Commission to Revise the Statutes Relating to Juveniles the sum of \$5,000 for the fiscal year ending June 30, 1976 to carry out the purposes of this Act. The balance shall not lapse but shall be a continuous carrying account until the purposes of this Act have been accomplished.

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

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.