

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)
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1926

H. P. 1869

Office of the Clerk of the House

The Committee on Judiciary suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mrs. Kane of Augusta

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Delay Implementation of the Court Intake Worker Function until July 1, 1978.

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

Whereas, the Maine Juvenile Code, enacted by the First Regular Session of the 108th Legislature, will take effect on July 1, 1978; and

Whereas, the Maine Juvenile Code contains provisions requiring court intake workers for juveniles; and

Whereas, the First Regular Session of the 108th Legislature also enacted Public Law 1977, chapter 518, which also provided for court intake workers for juveniles, but which established a different set of provisions concerning the program than did the Maine Juvenile Code; and

Whereas, the Department of Mental Health and Corrections has thus been required to implement a current court intake worker program which will be substantially changed within a period of 6 months; and

Whereas, the implementation of the program required by chapter 518 has required that departmental resources be used which were originally intended for other services, such as probation services and services for juveniles; and

Whereas, to avoid continuing confusion over which statutory provisions govern the intake worker program and to avoid a continuing drain on departmental resources for administration of a program which will be greatly changed upon the implementation of the

Maine Juvenile Code, it is necessary to immediately provide that the court intake worker function may commence at the same time the Maine Juvenile Code takes effect; 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 § 2601, sub-§ 1, 2nd sentence, as amended by PL 1977, c. 518, § 1, is further amended to read:

Upon such application, the juvenile court ~~intake worker~~ shall make a preliminary inquiry, examining the applicant and witnesses, if any, to determine whether the interests of the public or of the juvenile complained against require that further action be taken.

Sec. 2. 15 MRSA § 2602-A, as enacted by PL 1977, c. 518, § 2, is repealed.

Sec. 3. 34 MRSA § 1592, sub-§ 3-A, as enacted by PL 1977, c. 518, § 3, is repealed and the following enacted in its place:

3-A. Juvenile court intake workers. The Commissioner of Mental Health and Corrections shall appoint, subject to the Personnel Law, juvenile court intake workers and shall assign them to the various court districts of the State.

A. The Department of Personnel shall forthwith, with the advice of the Commissioner of Mental Health and Corrections, establish a position classification for court intake workers which shall not be the same as that established for probation and parole officer.

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

STATEMENT OF FACT

The role of intake worker, as defined by Public Law 1977, chapter 518, which enacted or amended the provisions dealt with in this bill, differs from that of the revised Maine Juvenile Code and, therefore, would necessarily be changed on July 1, 1978. This legislation remedies this by retaining the authorization to employ court intake workers and by deleting any requirement that the intake function commence prior to the effective date of the Juvenile Code Revision Commission that intake workers not be probation and parole officers.

Finally, this bill deletes "and provide to the court" as being redundant with the phrase "shall assign them to the various court districts of the State."