

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)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 932

H. P. 746

House of Representatives, March 2, 1979

On Motion of Mr. Hughes of Auburn, referred to the Committee on Judiciary.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. M. Nelson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning Restitution under the Juvenile Code.

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

Sec. 1. 15 MRSA § 3307, sub-§ 2, ¶C is enacted to read:

C. Notwithstanding paragraph B, nothing in this section shall be construed to restrict the right of law enforcement personnel, personnel in the Division of Probation and Parole or the court to bring the offender together with the victim in order to assist in mediation for purposes of a restitution contract.

Sec. 2. 15 MRSA § 3314, sub-§ 1, first sentence, as enacted by PL 1977, c. 520, § 1, is amended to read:

When a juvenile has been adjudicated as having committed a juvenile crime, the court shall enter a dispositional order containing one or more of the following alternatives **with special attention to paragraphs B and E:**

Sec. 3. 15 MRSA § 3314, sub-§ 1, ¶B, as amended by PL 1977, c. 664, § 35, is further amended by adding at the end a new paragraph to read:

A juvenile referred to a supervised work or service program under this paragraph or section 3301, subsection 5, paragraphs A and B, shall not be subject to Title 39, the Workers' Compensation Act.

STATEMENT OF FACT

This bill makes several changes to the portions of the Juvenile Code concerning restitution. These are:

1. The addition of a provision to the hearings' section which permits law enforcement personnel, the Division of Probation and Parole or the court to bring the juvenile offender together with the victim in order to assist in mediation for the purposes of a restitution contract. Victims are the individuals most concerned with the resolution of the offense. They are entitled to be involved in negotiations determining appropriate restitution. Because a restitution contract between the victim and the juvenile offender may not always be desirable, it should be arranged at the discretion of and under the guidance of the appropriate law enforcement, probation and parole or court officer;

2. The addition of a provision to the sentencing portion of the Juvenile Code directing the court to give special attention to a supervised work program or to a restitution program when sentencing. This new provision is important because it addresses the needs of the otherwise forgotten victim of the offender and because it emphasizes to the court the desirability of requiring the offender to make an effort to resolve his criminal incident; and

3. The addition of a provision exempting juveniles referred to supervised work or service programs from the Workers' Compensation Act, Title 39. This exemption resolves an ambiguity concerning the liability for a juvenile participating in a work or service program. The present ambiguity contributes to a reluctance on the part of municipalities and agencies to participate in providing placements in work or service programs and thus limits the usefulness of these work programs and service programs.