

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1080

H. P. 892

House of Representatives, March 8, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco.

Cosponsors: Mr. Joyce of Portland and Mr. Brodeur of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Monitor the Juvenile Code.

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

Whereas, the 108th Maine Legislature enacted a major revision of the Maine Juvenile Code amending the statutes which apply to children and youth; and

Whereas, major revisions were made in the statutes which govern the provision of services to children and youth by the Departments of Human Services, Mental Health and Corrections and Educational and Cultural Services; and

Whereas, the Department of Mental Health and Corrections was given the responsibility for preparing an annual plan for identifying, evaluating and meeting the service needs for prevention of juvenile crime and rehabilitation of juveniles adjudicated as having committed juvenile crimes; and

Whereas, the revised Maine Juvenile Code created a court intake system providing for the screening of all cases referred to the juvenile court; and

Whereas, the full effect of the implementation of the new Maine Juvenile Code, including the promulgation of all rules and regulations can not yet be determined; and

Whereas, there is a need for continuous review and monitoring of the implementation of the Maine Juvenile Code to ensure that the code achieves its goals as mandated by the Legislature and that necessary changes are brought to the attention of the Governor, the Legislature and the implementing departments; and

Whereas, there already exists an agency, whose members are appointed by the Governor under the terms of the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended, which has among its stated duties the responsibility to coordinate juvenile services and promote juvenile justice in the State; 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. 1 MRSA § 2501, sub-§ 15 is enacted to read:

15. Title 15.

A. Title 15, chapter 513 shall be repealed on September 30, 1981.

Sec. 2. 5 MRSA §§ 3356 and 3357, are enacted to read:

§ 3356. Duties

The agency shall, in addition to its duties under state and federal laws:

1. Staff provided. Provide administrative and staff support to the committee established pursuant to Title 15, chapter 513;

2. Review. Review and examine sections of the Revised Statutes outside of the Maine Juvenile Code which pertain to the juvenile law and to draft proposed amendments to those sections as deemed advisable in light of the Maine Juvenile Code; and

3. Report. Report to the Governor and the Legislature at least annually and prior to the beginning of each legislative session, its recommendations for both legislative and executive action.

§ 3357. Utilization of funds available

The Maine Criminal Justice Planning and Assistance Agency is authorized to utilize funds available to it for the employment of staff or consultants to carry out the purposes of section 3356.

Sec. 3. 15 MRSA c. 513 is enacted to read:

CHAPTER 513
COMMITTEE TO MONITOR
IMPLEMENTATION OF THE JUVENILE CODE

§ 3601. Appointment of committee

There is created a committee, composed of a number of members to be determined by the Governor, whose purpose shall be to comprehensively monitor and evaluate the operation and implementation of the Maine Juvenile Code and to recommend changes to the code based on those evaluations.

1. **Appointments to the committee.** Appointments to the committee, including the chairman, shall be made by the Governor, except that there shall be 2 representatives from the Legislature on the committee, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives.

2. **Representation on the committee.** To the extent possible, membership on the committee shall include representation from the Department of Human Services, the Department of Mental Health and Corrections, the Maine Criminal Justice Planning and Assistance Agency, the Office of Court Administrator, Maine Police Chief's Association, one representative of county sheriffs, Maine Civil Liberties Union, Pine Tree Legal Assistance, Department of Attorney General, one representative of defense attorneys, a representative of the public schools, representatives of 3 local nonprofit agencies serving youth and 2 representatives from the Juvenile Justice Advisory Group to the Maine Criminal Justice Planning and Assistance Agency.

3. **Terms.** All members of the committee shall be appointed for a term of one year. Any vacancy on the committee shall be filled for the remainder of the unexpired term. Members on the committee shall serve until their successors are appointed and qualified.

4. **Compensation.** Members on the committee shall receive no compensation but shall receive actual necessary travel expenses for attendance at meetings of the committee.

5. **Contacts with state agencies.** The committee shall, during the course of its existence, make direct contact for the purposes of obtaining information or for review of such recommendations as it proposes, with the Departments of Human Services, Mental Health and Corrections, Education and Cultural Services, the Criminal Law Advisory Commission and with any other organization or committee whose affairs pertain to the juvenile justice system. These state agencies shall cooperate in the provision of all reasonable information and data necessary to carry out the functions given the committee.

6. **Staff.** Staff and assistance for the committee shall be provided pursuant to Title 5, section 3356.

§ 3602. Termination of chapter

This chapter is subject to repeal under Title 1, section 2501. The legislative committee having jurisdiction over the review provided for in Title 1, section 2502 shall be the Joint Standing Committee on Judiciary.

Sec. 4. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

	1979-80	1980-81
EXECUTIVE DEPARTMENT		
Maine Criminal Justice Planning and Assistance Agency		
All Other	\$3,000	\$3,500

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.