

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1383

H. P. 1091

House of Representatives, March 20, 1979

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

EDWIN H. PERT, Clerk

Presented by Mrs. Payne of Portland.

Cosponsors: Mr. Blodgett of Waldoboro, Mr. Joyce of Portland and Mr. J. Reeves of Newport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Require that Most Hearings and Records Concerning Juvenile Crimes
be Open to the Public.**

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

Sec. 1. 15 MRSA § 3307, sub-§ 2, ¶ B, as amended by PL 1977, c. 664, § 28, is repealed and the following enacted in its place:

B. The general public shall be excluded from all other juvenile hearings and proceedings, except:

(1) As set forth in paragraph C; or

(2) If the juvenile is charged with a juvenile crime that would constitute murder or a Class A, Class B or Class C offense and with a juvenile crime that would constitute a Class D or Class E offense or with conduct described in section 3103, subsection 1, paragraphs B, C, D or E, arising from the same underlying transaction, he may elect to have all charges adjudicated in one hearing and, where the juvenile does so elect, the general public shall not be excluded from that hearing.

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

C. The general public shall not be excluded from an adjudicatory hearing on a juvenile crime which would constitute a Class D or Class E crime if the juvenile involved were an adult, unless:

(1) The juvenile involved has never been arrested for a juvenile crime other than the one which is the subject of the adjudicatory hearing; or

(2) The juvenile involved has been arrested only once for a juvenile crime other than the one which is the subject of the adjudicatory hearing and the juvenile and his parents or legal guardian agree, before the commencement of the adjudicatory hearing, to attend a program of educational and group counseling sessions held under section 3307-A if the juvenile is adjudicated to have committed a juvenile crime. If the juvenile or his parents or legal guardian fails to complete the program established by section 3307-A, the hearing shall be deemed to have been open to the general public under section 3308, subsection 2.

This subparagraph shall apply only to adjudicatory hearings held in the juvenile court designated in section 3307-A and shall be repealed on January 1, 1981.

Sec. 3. 15 MRSA § 3307-A is enacted to read:

§ 3307-A. Educational and counseling hearings

The Chief Justice of the Supreme Judicial Court shall designate one juvenile court to participate during 1980 in the program established by this section.

The designated juvenile court shall, within the limits of available resources, establish a program of educational and counseling sessions for juveniles and their parents or legal guardian in accordance with section 3307, subsection 2, paragraph C, subparagraph (2). This program shall be presented by appropriate local law enforcement agencies or by personnel designated by the Commissioner of Mental Health and Corrections, or by both. The program shall include instruction and counseling on at least the following areas:

- 1. Rights. Personal and property rights of others;**
- 2. Responsibility. Legal responsibilities of parents or legal guardian;**
- 3. Peer pressure. Peer pressure on juveniles and their parents;**
- 4. Communications. Family communications; and**
- 5. Restitution. Restitution plans.**

This section shall be repealed on January 1, 1980.

STATEMENT OF FACT

At the present time, the Maine Juvenile Code excludes the public from adjudicatory hearings and proceedings on juvenile crimes which, if committed by

an adult, would be Class D or Class E crimes. The effect of closing these hearings to the public is to make all records concerning those hearings and proceedings confidential.

This bill reverses this policy by providing that all adjudicatory hearings on these crimes are open to the public, unless:

1. The juvenile has never before been arrested for a juvenile crime; or
2. If the juvenile's hearing is being held in a designated juvenile court and if he has been arrested only once before, both he and his parents agree to attend a program of instruction and counseling.

This program will be a trial program held during 1980 in one juvenile court chosen by the Chief Justice of the Supreme Judicial Court. The program will operate with existing funding and with available law enforcement and Mental Health and Corrections personnel. While the exact content of the program will obviously be determined by those involved, the bill specifies that the program must include instruction and counseling on personal and property rights of others, legal responsibilities of parents, peer pressures, family communications and restitution plans.

Completion of this program will give a juvenile and his family 2 things they desire. First, successful completion will obviously be a factor in judicial consideration for earlier termination of parole. Second, successful completion will give the juvenile and his family the opportunity to protect their most precious asset, their good name.

This bill does 2 things:

First, it provides the public with the right to know the outcome of most juvenile adjudications; and

Second, it provides a means of strengthening the family of a juvenile who seems apt to become an habitual offender by providing new insights, improved communications and a sense of mutual responsibility.