

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1406

H. P. 1144

House of Representatives, March 22, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning Detentions, Public Proceedings and Recording Requirements under the Juvenile Code.

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

Sec. 1. 15 MRSA § 3203, sub-§ 9 is enacted to read:

9. Detention. In the event that the court orders detention, after detention hearing in accordance with subsection 5, paragraph C, a petition shall be filed within 10 days from the date of detention, unless the time therefor is extended by the court by further order. In the event a petition is not so filed, then detention shall be terminated and the juvenile discharged from detention.

Sec. 2. 15 MRSA § 3307, sub-§ 2, ¶ A, as amended by PL 1977, c. 664, § 27, is further amended to read:

A. The general public shall not be excluded from ~~adjudicatory hearings~~ **any proceeding** on a juvenile crime that would constitute murder or a Class A, Class B or Class C crime if the juvenile involved were an adult or from any subsequent dispositional hearings in such cases.

Sec. 3. 15 MRSA § 3307, sub-§ 3, as amended by PL 1977, c. 664, § 29, is further amended to read:

3. Record. A verbatim record shall be made of all ~~detention~~ bind over, adjudicatory and dispositional hearings.

Sec. 4. 15 MRSA § 3310, sub-§ 5, ¶ A, as amended by PL 1977, c. 664, § 32, is further amended to read:

A. When the court finds that the allegations of the petition are supported by evidence beyond a reasonable doubt, the court may adjudge that the juvenile committed a juvenile crime and shall, in all such adjudications, issue an order of adjudication setting forth the basis for its findings.

Sec. 5. 15 MRSA § 3312, sub-§ 3, ¶ A, as enacted by PL 1977, c. 520, § 1, is amended to read:

A. The court may continue the dispositional hearing, either on its own motion or on the motion of any interested party ~~for a reasonable period not to exceed one month to receive reports or other evidence:~~

(1) For a period not to exceed one month to receive reports or other evidence; or

(2) For a period not to exceed 12 months in order to place the juvenile in a supervised work or service program or a restitution program, or for such other purpose as the court in its discretion deems appropriate. In the event a supervised work or service program or restitution program has been ordered, the court shall on final disposition consider whether or not there has been compliance with the program so ordered.

STATEMENT OF FACT

The purposes of this bill are to:

1. Provide against lengthy detentions;
2. Open to the public all proceedings, not only adjudicatory and dispositional;
3. Delete the requirement for recording detention hearings; and
4. Delete the requirement for setting forth the basis for its findings where a verbatim record is mandated and a transcript is available for appeal purposes.