

MAINE STATE LEGISLATURE

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(New Title)
New Draft of: H. P. 1091, L. D. 1383
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1601

H. P. 1375

House of Representatives, May 8, 1979

Reported by the Majority from the Committee on Judiciary. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Clarify the Provisions Relating to Hearings on Juvenile Crimes and to
Establish an Experimental Program for Education and Counseling of Juveniles.**

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

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

D. The general public shall not be excluded from an adjudicatory hearing under paragraph B if the juvenile and his parents or legal guardians are offered an opportunity to attend an educational and counseling program under section 3310-A and they refuse that offer.

Sec. 2. 15 MRSA § 3308, sub-§ 2, as enacted by PL 1977, c. 520, § 1, is amended by inserting at the end the following new sentence:

In the case of a hearing closed to the general public under section 3307, subsection 2, paragraph B, these records shall be open to public inspection as if the hearing had been open if the juvenile and his parents or legal guardians began, but did not complete, an educational and counseling program under section 3310-A.

Sec. 3. 15 MRSA § 3310-A is enacted to read:

§ 3310-A. Educational and counseling program

1. **Establishment.** The Chief Justice of the Supreme Judicial Court may direct a juvenile court to undertake an educational and counseling program.

2. **Program.** A juvenile court shall undertake an educational and counseling program within the limits of its available resources. 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:

- A. Personal and property rights of others;
- B. Legal responsibilities of parents or legal guardian;
- C. Peer pressure on juveniles and their parents;
- D. Family communications; and
- E. Restitution plans.

3. **Eligibility.** The program shall only be open to juveniles who have not been arrested more than once prior to the current offense.

4. **Parental participation.** The parents or legal guardians of the juvenile shall participate fully in the program, unless the court determines that the juvenile is emancipated or that parental participation will create an undue burden on the parents because they reside outside the State.

5. **Sunset provision.** This section shall be repealed on January 1, 1982.

Sec. 4. Establishing initial programs. The Chief Justice of the Supreme Judicial Court shall designate 2 juvenile courts to undertake programs during 1980 under this Act.

Fiscal Note

This new draft will require no additional expenditures.

STATEMENT OF FACT

This new draft clarifies the language of the bill. It also provides that the Chief Justice will establish 2 experimental programs. Finally, the new draft changes the bill's provisions relating to open hearings. Legislative Document 1383 reversed the present policy of excluding the public from hearings on juvenile crimes that would be Class E or D crimes; and opened those hearings except when it was a first offense. This new draft retains the present policy of closed hearings. However, to provide an incentive to participate in this new program, it provides that closed hearings and their records will be opened if a juvenile and his parents are offered the opportunity to participate in the program and refuse or fail to complete it.