

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-888)
109TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1847, L.D. 1951, Bill,
"AN ACT Concerning Revisions in the Maine Juvenile Code."

Amend the Bill by striking out all of the title and inserting in its place the following: 'AN ACT Concerning Revisions in Maine's Juvenile Code and other Statutes Relating to Juveniles.'

Further amend the Bill by inserting before section 1 the following:

'Sec. 1. 15 MRSA §2712, as repealed and replaced by PL 1975, c. 756, §6, is repealed and the following enacted in its place: §2712. Establishment; location; personnel

1. Purposes. The State shall maintain the institution located at South Portland, named the Maine Youth Center, for the following purposes:

A. To detain juveniles prior to Juvenile Court appearances on court order that the juvenile be securely detained;

B. To administer court-ordered diagnostic evaluations pursuant to section 3318; and

C. To rehabilitate juveniles committed to it on being adjudicated as having committed a juvenile crime under section 3310 subsection 5.

2. Disciplines. To accomplish / the purposes set out in subsection 1, the disciplines of education, casework, group work, psychology, psychiatry, medicine, nursing, vocational training and religion related to human relations and personality development shall be employed. The center shall be coeducational and shall fully separate the housing facilities for boys and girls.

3. Hallowell facilities. The Commissioner of Mental Health and Corrections may, with the approval of the Governor, authorize the use of any available facilities at the location in Hallowell, formerly known as the Stevens School and Women's Correctional Center.

4. Superintendent. The director of the center shall be called the superintendent. The superintendent of the center may appoint 2 assistant superintendents, subject to the Personnel Law. An assistant superintendent, designated by the superintendent in the event that there are no assistant superintendents, shall have the powers, perform the duties and be subject to all the obligations and liabilities of the superintendent when the superintendent is absent from the center or unable to perform the duties of the office or when the office of superintendent is vacant.'

Further amend the Bill by inserting after section 2 the following:

'Sec. 3. 15 MRSA §3101, sub-§4, ¶D, as enacted by PL 1977,

c. 520, §1, is repealed and the following enacted in its place:

D. The Juvenile Court shall consider the following factors in deciding whether to bind a juvenile over to Superior Court:

Seriousness of the crime:

(1) The nature and seriousness of the offense, greater weight being given to offenses against the person than against property; whether the offense was committed in an aggressive, violent, premeditated or willful manner;

Characteristics of the juvenile:

(2) The record and previous history of the juvenile; his emotional attitude and pattern of living; and

Dispositional alternatives:

(3) Whether future criminal conduct by the juvenile will be deterred by the dispositional alternatives available to the Juvenile Court; whether the dispositional alternatives available to the Juvenile Court would diminish

and
the gravity of the offense; whether the protection
of the community requires commitment of the juvenile to
a facility which is more secure than those available as
dispositional alternatives to the Juvenile Court.

Sec. 4. 15 MRSA §3101, sub-§4, ¶E, as amended by PL 1977,
c. 664, §9, is repealed and the following enacted in its place:

E. The Juvenile Court shall bind a juvenile over to the
Superior Court if it finds:

(1) That there is probable cause to believe that a
juvenile crime has been committed that would constitute
murder or a Class A, ^{Class} B or ^{Class} C crime if the juvenile
involved were an adult and that the juvenile to be bound
over committed it; and

(2) By a preponderance of the evidence that, after a
consideration of the seriousness of the crime, the
characteristics of the juvenile and the dispositional
alternatives available to the Juvenile Court, as specified
in paragraph D, it is appropriate to prosecute the
juvenile as if he were an adult.'

Further amend the Bill in section 6 by striking out all
of that part designated "§3202." and inserting in its place the
following:

'§3202. Arrest warrants for juveniles

An arrest warrant for a juvenile shall be issued in the manner
provided by Rule 4, Maine District Court Criminal Rules, provided
that affidavits alone shall be presented and a petition shall not be
necessary. Following arrest, the juvenile shall be subject to the
procedures specified in section 3301.'

Further amend the Bill in section 7 in the next to last line (same in L.D.) by striking out the underlined words "or legal" and inserting in their place the underlined words 'and legal'

Further amend the Bill in section 11 by striking out all of that part designated "§3204." and inserting in its place the following:

'§3204. Statements not admissible in evidence

No statements of a juvenile made to an intake worker shall be admissible in evidence in any proceeding against that juvenile.'

Further amend the bill by striking out all of sections 16 and 17.

Further amend the Bill in section 20 by striking out everything after the amending clause and inserting in its place the following:

'3-A. Victims. The name of a juvenile subject to Juvenile Court proceedings shall be made known/ to the victim of the juvenile crime on his request.'

Further amend the Bill in section 29 by striking out all of paragraph G and inserting in its place the following:

'G. Except for a violation of section 3103, subsection 1, paragraph D, the court may impose a fine, subject to Title 17-A, sections 1301 to 1305. For the purpose of this section, juvenile offenses defined in section 3103, subsection 1, paragraphs B and C, shall be deemed Class E crimes.'

Further amend the Bill in section 31 by striking out all of subsection 2 and inserting in its place the following:

'2. Suspended disposition. The court may impose any of the dispositional alternatives provided in subsection 1, and may suspend its ~~sentence-and-sentence~~ disposition and place the juvenile te on a specified period of probation which shall be subject to such provisions of Title 17-A, section 1204 as the court may order and

which shall be administered pursuant to the provisions of Title 34, chapter 121, subchapter V-A.

Revocation of probation shall be governed by the procedure contained in Title 17-A, sections 1205, 1205-A and 1206, except that Title 17-A, section 1206, subsection 7-A, shall not apply, provided that a disposition under subsection 1, paragraph F, may be modified to a disposition under subsection 1, paragraph H.'

Further amend the Bill by striking out all of section 33 and inserting in its place the following:

'Sec. 33. 15 MRSA §3407, sub-§2, ¶A, as enacted by PL 1979, c. 512, §14, is amended to read:

A. Decisions of the Superior Court on appeal from the Juvenile Court, as to matters described in section 3402, subsection 1, ~~paragraphs A and B~~ paragraph A only, may be appealed to the Law Court by an aggrieved party. An appeal by the State under this paragraph shall be subject to section 2115-A, subsections 5 and 8.'

Further amend the Bill by adding after section 34 the following:

'Sec. 35. 34 MRSA §186-A is enacted to read:

§186-A. Rendition amendment -- Article VI-A

All provisions and procedures of Articles V and VI of the Uniform Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may

be filed regardless of whether the juvenile left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

This provision shall apply regardless of whether the requesting state has also adopted it.'

Further amend the bill by adding after section 35 the following:

'Sec. 36. Revision clause. Wherever in the Revised Statutes the words "juvenile court" appear they shall be amended to read and mean "Juvenile Court."'

Further amend the Bill by renumbering the sections to read consecutively.

Statement of Fact

This amendment changes the language in several sections of the bill to properly reflect the intent of the Criminal Law Advisory Committee. In addition, the amendment adds the following provisions:

Changes the mandate of the Maine Youth Center to include traditional functions not expressly included in the statute;

Revises the juvenile bindover procedures;

Allows the victim of a juvenile crime to request and receive the juvenile's name; and

Adds a provision to the Uniform Interstate Compact on Juveniles to allow the return of a juvenile that has only been charged to be returned to the charging state.