

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 209

S. P. 93

In Senate, January 12, 1981

Submitted by the Département of Mental Health and Corrections pursuant to Joint Rule 24.

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Kerry of York.

Cosponsor: Mr. Drinkwater of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Clarify a Sentencing Disposition of Juvenile Offenders.

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

15 MRSA § 3314, sub-§ 1, ¶ C, as amended by PL 1977, c. 664, § 36, is further amended to read:

C. The court may commit a juvenile to ~~the Department of the Commissioner of Mental Health and Corrections or the Department of the Commissioner of Human Services for placement in a foster home, group care home or halfway house, or for the provision of services to a juvenile in his own home~~ provision of such services as the commissioner or commissioners may deem appropriate.

STATEMENT OF FACT

The requested amendment of this section is a result of 3 problems experienced by the Department of Mental Health and Corrections.

First, under the existing section of the Juvenile Code, confusion exists regarding an adjudicated juvenile being sentenced to the Department of Mental Health and Corrections for "placement in a foster home." The Department of

Mental Health and Corrections does not have statutory authority for, nor does it engage in, child placements in foster homes. This responsibility rests solely and clearly with the Department of Human Services.

Second, the titles "group home or halfway house" do not appear in the common definitions and placement policies of the interdepartmental coordinating team. The elimination of this wording would eliminate ambiguity and confusion of the part of the departments and the Judiciary.

Third, this will enable placement of juveniles in the setting most appropriate for their rehabilitation.