

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-172)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "*A*" to H.P. 459, L.D. 505, Bill, "AN ACT to Make Operating a Vehicle under the Influence of Intoxicating Liquor or Drugs an Adult Crime Regardless of the Age of the Operator of the Vehicle."

Amend the bill by striking out all of the title and inserting in its place the following:

'AN ACT to Remove the Authority of a Juvenile Intake Worker to Make Informal Adjustments for Juveniles who Operate a Motor Vehicle under the Influence of Intoxicating Liquor or Drugs.'

Further amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 15 MRSA §3301, sub-§1, ¶B, as enacted by PL 1977, c. 520, §1, is amended to read:

B. Make whatever informal adjustment is practicable without a petition, provided -- that this paragraph does not apply when the juvenile is accused of having committed a juvenile crime pursuant to section 3103, subsection 1, paragraph E; or

Sec. 2. 15 MRSA §3308, sub-§6, as enacted by PL 1977, c. 664, §30, is amended by adding at the end a new paragraph to read:

Nothing in this Part may be construed to limit the authority of the Secretary of State, pursuant to Title 29, section 1312, to suspend a person's license or permit and privilege to operate a motor vehicle.'

Statement of Fact

This amendment replaces the original bill. It retains operating under the influence as a juvenile crime, but removes the possibility of "informal adjustment" for those offenses. The Juvenile Code is a balance between the need for equal justice for adults and juveniles and the need to provide those juveniles with the necessary treatment, care, guidance and discipline to assist them in becoming responsible and productive members of society.

In order to provide that assistance, the ~~juvenile code~~ allows for informal adjustments in juvenile criminal violations. An informal adjustment is essentially an agreement between the intake worker and the juvenile which provides that the juvenile will follow certain probationary-like conditions instead of having his case referred to ~~juvenile court~~ for prosecution. By removing the authority for informal adjustment in "operating under the influence" violations, this amendment requires action to be taken by the court, unless the case is to be dismissed on other grounds.

Section 2. --- of this / amendment
ensures that the Secretary
of State has the same authority and duty to suspend the
license of the juvenile as he would for an adult.

Reported by the Committee on Judiciary.
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4/3/81

(Filing No. H-172)