

# MAINE STATE LEGISLATURE

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S.  
D. OF R.

1

L.D. 1779

2

(Filing No. S- 224)

3

STATE OF MAINE

4

SENATE

5

111TH LEGISLATURE

6

FIRST REGULAR SESSION

7

SENATE AMENDMENT "A " to H.P. 1339, L.D. 1779,  
8 Bill, "AN ACT to Amend the Statutes Regarding Correc-  
9 tions."

10

Amend the Bill by striking out all of section 46  
11 and inserting in its place the following:

12

'Sec. 46. 34-A MRSA §3804, as enacted by PL  
13 1983, c. 459, §6, is repealed.

14

Sec. 47. 34-A MRSA §3804-A is enacted to read:

15

§3804-A. Superintendent's appointment powers

16

The superintendent may appoint 2 assistant super-  
17 intendents, subject to the Personnel Law.

18

1. Assistant superintendent. An assistant  
19 superintendent designated by the superintendent has  
20 the powers, duties, obligations and liabilities of  
21 the superintendent when the superintendent is absent  
22 from the center or unable to perform the duties of  
23 the office.

24

2. Designee. If there are no assistant super-  
25 intendents, another employee designated by the super-  
26 intendent has the powers, duties, obligations and  
27 liabilities of the superintendent in the circum-  
28 stances described in subsection 1.'

29

Further amend the Bill by inserting after section  
30 50 the following:

31

'Sec. 51. 34-A MRSA §3809-A is enacted to read:

32

§3809-A. Commissioner's guardianship powers

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1           The commissioner has all the power which a  
2 guardian has over his ward and which a parent has  
3 over his child as to person, allowable property which  
4 the juvenile client has at the Maine Youth Center,  
5 earnings which the juvenile client receives during  
6 his stay at the Maine Youth Center and for the reha-  
7 bilitation of every juvenile client. If a juvenile  
8 client is or becomes 18 years of age while still  
9 under commitment, the statutory guardianship of the  
10 commissioner over the juvenile client shall termi-  
11 nate, but the juvenile client remains subject to the  
12 control of the commissioner, staff and rules of the  
13 center until the expiration of the period of commit-  
14 ment or until discharge from the center.

15           Sec. 52. 34-A MRSA §3810, as enacted by PL 1983,  
16 c. 459, §6, is amended to read:

17       §3810. Entrustment

18           1. Commissioner's powers. During a juvenile  
19 client's commitment to the center, the ~~superintendent~~  
20 commissioner may, at his discretion:

21           A. Keep the juvenile client at the center; or

22           B. Upon prior mutual agreement, entrust the  
23 juvenile client, for a period not exceeding the  
24 term of his commitment, to the care of:

- 25                   (1) Any suitable person or persons;  
26                   (2) The Division of Probation and Parole;  
27                   (3) The Department of Human Services; or  
28                   (4) Some other public or private child care  
29 agency.

30           2. Reports. As often as the ~~superintendent com-~~  
31 missioner requires, the person or agency to whom the  
32 juvenile client is entrusted shall report to the

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1 superintendent commissioner:

2       A. The progress and behavior of the juvenile  
3 client, whether or not the juvenile client  
4 remains under the care of the person or agency;  
5 and

6       B. If the juvenile client is not under the care  
7 of the person or agency, where the client is.

8       3. Center services. The superintendent commis-  
9 sioner shall provide aftercare and entrustment ser-  
10 vices to juvenile clients.

11       4. Cancellation. If the superintendent commis-  
12 sioner is satisfied at any time that the welfare of  
13 the juvenile client will be promoted by return to the  
14 center, the superintendent commissioner may cancel  
15 the trust and resume charge of the client with the  
16 same powers as before the trust was made.

17       Sec. 53. 34-A MRSA §3811, first ¶, as enacted by  
18 PL 1983, c. 459, §6, is amended to read:

19       When a juvenile client who has been placed on  
20 entrustment or who has absented himself from the cen-  
21 ter without leave is taken into custody for the pur-  
22 pose of return to the center by an officer or  
23 employee of the center, at the direction of the  
24 superintendent commissioner, or by a law enforcement  
25 officer, at the request of the superintendent commis-  
26 sioner, and because of the juvenile client's distance  
27 from the center at the time of being taken into cus-  
28 tody, it becomes necessary to detain the client over-  
29 night:'

30       Further amend the bill by renumbering the sec-  
31 tions to read consecutively.

D. OF R.

(Filing No. S-224)

SENATE AMENDMENT "A" to H.P. 1339, L.D. 1779

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STATEMENT OF FACT

The amendment is necessary to conform the bill to provisions already enacted through the Audit and Program Review Committee bill, Public Law 1983, c. 176, section 5.

4621062283



(Sen. G. Diamond)

NAME:

COUNTY: Cumberland

Reproduced and distributed pursuant to Senate Rule 11-A  
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