

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1983

6 S.P. 790

In Senate, February 7, 1986

7 Approved for introduction by a majority of the Legislative Council
8 pursuant to Joint Rule 26.

9 Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Matthews of Kennebec.

Cosponsored by Senator Carpenter of Aroostook and Representative
Priest of Brunswick.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Clarify the Separation of
18 Juveniles from Adults when Juveniles are
19 Detained in County Jails after Adjudication
20 of Commission of a Juvenile Crime.
21

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

24 15 MRSA §3314, sub-§1, ¶H, as amended by PL 1983,
25 c. 480, Pt. B, §19, is further amended to read:

26 H. The court may commit the juvenile to the
27 Maine Youth Center and order that the sentence be
28 suspended except for a period of detention which
29 shall not exceed 30 days, which may be served
30 intermittently as the court may order and which
31 shall be ordered served in a county jail desig-
32 nated by the Department of Corrections as a
33 place for the secure detention of juveniles, or
34 in a nonsecure group care home or halfway house.
35 When the detention is ordered served in a county
36 jail, the juvenile may be detained only in that

1 part of the jail which meets the requirements of
2 section 3203-A, subsection 7, paragraph A. The
3 court may order such a sentence to be served as a
4 part of and with a period of probation, which
5 shall be subject to such provisions of Title
6 17-A, section 1204 as the court may order and
7 which shall be administered pursuant to Title 34,
8 chapter 121, subchapter V-A. Revocation of pro-
9 bation shall be governed by the procedure con-
10 tained in subsection 2.

11 STATEMENT OF FACT

12 The purpose of this bill is to make it clear that
13 juveniles, who have been adjudicated as having com-
14 mitted juvenile crimes, may never be detained in por-
15 tions of county jails where the juveniles may come
16 into regular contact with adult inmates.

17 Under current provisions of the Maine Juvenile
18 Code, it is clear that a juvenile, upon arrest, may
19 not be detained with adults in correctional facili-
20 ties. See the Maine Revised Statutes, Title 15, sec-
21 tion 3203-A, subsection 7, paragraph A.

22 Juveniles, after being adjudicated as having com-
23 mitted juvenile crimes, may be committed to the Maine
24 Youth Center or to a county jail under some circum-
25 stances. These dispositional provisions of the Maine
26 Juvenile Code must clearly state that a juvenile
27 serving a sentence in a county jail must be separated
28 from adults in the same way as are juveniles detained
29 prior to trial.

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