

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(New Draft of H.P. 876, L.D. 1177)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1737

H.P. 1272 House of Representatives, June 4, 1987
Reported by Representative MARSANO from the Committee on
Judiciary and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored by Representative HEPBURN of
Skowhegan. Cosponsored by Senator MATTHEWS of Kennebec and
Representative ROLDE of York.

STATE OF MAINE

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

1 AN ACT to Amend the Juvenile Code Relating to
2 the Questioning of Juveniles.
3

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

6 15 MRSA §3203-A, sub-§2-A is enacted to read:

7 2-A. Questioning. When a juvenile is arrested,
8 no law enforcement officer may question that juvenile
9 until:

10 A. A legal custodian of the juvenile is notified
11 of the arrest and is present during the question-
12 ing;

1 B. A legal custodian of the juvenile is notified
2 of the arrest and gives consent for the question-
3 ing to proceed without the custodian's presence;
4 or

5 C. The law enforcement officer has made a rea-
6 sonable effort to contact the legal custodian of
7 the juvenile, cannot contact the custodian and
8 seeks to question the juvenile about continuing
9 or imminent criminal activity.

10 STATEMENT OF FACT

11 This new draft deletes reference to juvenile
12 caseworkers as interrogators of juveniles because
13 caseworkers as intake workers do not interrogate ju-
14 veniles and statements made to these caseworkers by
15 juveniles are not admissible under the Maine Revised
16 Statutes, Title 15, section 3204. If a caseworker is
17 acting as a law enforcement officer, e.g. with a pro-
18 bationer, the restrictions on questioning the juve-
19 nile in this bill will apply.

20 The new draft permits a law enforcement officer
21 to question an arrested juvenile without the juvenile
22 custodian's presence or consent in a limited circum-
23 stance, when the officer has made a reasonable effort
24 to contact the custodian, cannot do so, and seeks to
25 question the juvenile about continuing or imminent
26 criminal activity.

27 Finally, the new draft removes the requirement of
28 informing the juvenile and his custodian that he will
29 be tried without a jury. This is inappropriate be-
30 cause the Maine Juvenile Code requires that the least
31 restrictive of a wide range of dispositional alterna-
32 tives be used before a juvenile is referred to a
33 court proceeding.

34 3018052687