

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1512

S.P. 541

In Senate, May 8, 1989

Reported by Senator BUSTIN of Kennebec for the Juvenile Corrections Planning Commission pursuant to Resolve 1987, chapter 68.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 18.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

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

An Act to Reform the Juvenile Criminal Justice System.



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

3 Sec. 1. 15 MRSA §3003, sub-§4-A, as enacted by PL 1981, c.
619, §2, is amended to read:

5
6 4-A. Diagnostic evaluation. "Diagnostic evaluation" means
7 an examination of a juvenile, to ~~determine--his--mental--or~~
8 ~~emotional--condition~~ assess the risks the juvenile may pose and
9 determine the needs the juvenile may have, which may include, but
10 is not limited to, educational, vocational or psychosocial
11 evaluations, psychometric testing and psychological, psychiatric
12 or medical examinations, which may take place on either a
13 residential or a nonresidential basis.

15 Sec. 2. 15 MRSA §3003, sub-§24-A, as amended by PL 1987, c.
398, §1, is further amended to read:

17 24-A. Secure detention facility. "Secure detention
18 facility" means a facility characterized by either physically
19 restrictive construction or intensive staff supervision which is
20 intended to prevent a person who is placed in or admitted to the
21 facility from departing at will.

23 Sec. 3. 15 MRSA §3101, sub-§4, ¶E-1, as enacted by PL 1987, c.
25 398, §2, is amended to read:

27 E-1. If the ~~juvenile--court~~ Juvenile Court finds, pursuant
28 to paragraph E, that it is appropriate to prosecute the
29 juvenile as if he the juvenile were an adult, the court may
30 direct detention of any such juvenile who is to be detained
31 pending an adjudication hearing in a ~~section-of-a~~ jail which
32 is used primarily for the detention of adults, when it finds
33 by clear and convincing evidence that:

35 (1) The juvenile's behavior presents an imminent
36 danger of harm to ~~himself~~ the juvenile or to others; and

37 (2) There is no less restrictive alternative to
38 detention in an adult ~~section~~ facility which serves the
39 purposes of detention.

41 In determining whether the juvenile's behavior presents
42 a danger to ~~himself~~ the juvenile or others, the
43 ~~juvenile--court~~ Juvenile Court shall consider, among
44 other factors:

47 (a) The nature of and the circumstances
48 surrounding the offense with which the juvenile is
49 charged, including whether the offense was
50 committed in an aggressive, violent, premeditated
51 or willful manner;

1 (b) The record and previous history of the
3 juvenile, including ~~his~~ the juvenile's emotional
attitude and pattern of living; and

5 (c) If applicable, the juvenile's behavior and
7 mental condition during any previous and current
period of detention or commitment.

9 **Sec. 4. 15 MRSA §3203-A, sub-§7, ¶A**, as amended by PL 1987, c.
11 398, §6, is repealed.

13 **Sec. 5. 15 MRSA §3203-A, sub-§7, ¶B**, as enacted by PL 1985, c.
439, §9, is amended to read:

15 B. A Except as provided in paragraph C or as in section
17 3101, subsection 4, paragraph E-1, a juvenile may be held in
approved or operated by the Department of Corrections
19 exclusively for juveniles, pending ~~his~~ the juvenile's
21 release or hearing in the Juvenile Court.

23 **Sec. 6. 15 MRSA §3203-A, sub-§7, ¶C**, as amended by PL 1987, c.
398, §7, is further amended to read:

25 C. Upon the request of the Commissioner of Corrections or
27 ~~his~~ the commissioner's designee, a judge may approve the
transfer of a juvenile, who is detained at the Maine Youth
29 Center or in another detention facility described in
31 paragraph B, to a jail which is used for the detention of
adults:

33 (1) If the judge finds, by clear and convincing
evidence, that:

35 (a) Jurisdiction of the matter as a juvenile case
37 has been waived and the juvenile has been bound
over pursuant to section 3101, subsection 4; or

39 ~~(b) -- A prosecutor has requested the court to bind~~
41 ~~over the juvenile, pursuant to section 3101,~~
43 ~~subsection 4, because he is accused of having~~
~~committed a subsequent offense, while committed to~~
~~the center;~~

45 (2) If the judge finds, by clear and convincing
47 evidence, that the juvenile's behavior:

49 (a) Presents an imminent danger of harm to
himself the juvenile or to others; or

1 (b) Presents a substantial likelihood that the
3 juvenile will ~~absent-himself-from~~ leave the center
detention facility; and

5 (3) If the judge finds, by clear and convincing
7 evidence that there is no less restrictive alternative
to detention in an adult facility which will meet the
purposes of detention.

9 In determining whether the juvenile's behavior presents
11 a danger to the juvenile or others, the court shall
consider, among other factors:

13 (a) The nature of and the circumstances
15 surrounding the offense with which the juvenile is
17 charged, including whether the offense was
committed in an aggressive, violent, premeditated
or willful manner;

19 (b) The record and previous history of the
21 juvenile, including the juvenile's emotional
attitude and pattern of living; and

23 (c) If applicable, the juvenile's behavior and
25 mental condition during any previous or current
period of detention or commitment.

27 **Sec. 7. 15 MRSA §3203-A, sub-§7, ¶D,** as enacted by PL 1987, c.
29 398, §8, is repealed.

31 **Sec. 8. 15 MRSA §3203-A, sub-§8,** as enacted by PL 1985, c.
33 439, §9, is amended to read:

35 **8. Detention.** In the event that the court orders
detention, after detention hearing in accordance with subsection
5, paragraph B, a petition shall be filed within 10 5 working
37 days from the date of detention, unless the time ~~therefore~~ is
extended by the court by further order for good cause shown. In
39 the event a petition is not so filed, then detention shall be
terminated and the juvenile discharged from detention.

41 **Sec. 9. 15 MRSA §3301, sub-§1,** as amended by PL 1985, c. 439,
43 §11, is further amended to read:

45 **1. Preliminary investigation.** When a juvenile accused of
having committed a juvenile crime is referred to a juvenile
47 caseworker, the juvenile caseworker shall, except in cases in
which an investigation is conducted pursuant to Title 5, section
49 200-A, conduct a preliminary investigation to determine whether
the interests of the juvenile or of the community require that
51 further action be taken.

1 On the basis of the preliminary investigation, the juvenile
caseworker shall:

3 A. Decide that no further action is required, either in the
5 interests of the public or of the juvenile;

7 B. Make whatever informal adjustment is practicable without
a petition; or

9 C. Request a petition to be filed.

11 The juvenile caseworker shall take one of the alternative actions
13 described in paragraph A, B or C within 15 working days of the
15 referral of the juvenile. In the event that the preliminary
17 investigation does not include a meeting with the juvenile, the
caseworker shall choose an alternative within 5 working days of
the referral.

19 **Sec. 10. 15 MRSA §3301, sub-§6**, as amended by PL 1985, c. 439,
§11, is further amended to read:

21 6. Review by prosecuting attorney. If the juvenile
23 caseworker decides not to request the prosecuting attorney to
file a petition, the complainant, the law enforcement officer and
25 the victim shall be informed of the decision and of the reasons
therefor for that decision as soon as practicable and shall be
27 advised that they may submit their complaint to the prosecuting
attorney for review.

29 The prosecuting attorney on his own motion or upon receiving a
31 request for review by the law enforcement officer, the
complainant or the victim, shall consider the facts of the case,
33 consult with the juvenile caseworker who made the initial
decision and then make a final decision as to whether the
35 petition shall be filed.

37 If the prosecuting attorney decides to file a petition, in the
39 event that the juvenile is in detention, that petition shall be
41 filed within 5 working days from the date of detention, unless
43 the time therefor is extended by the court by further order for
45 good cause shown. In the event that the juvenile is not in
47 detention, the petition shall be filed within 15 working days of
the decision of the juvenile caseworker, unless the time therefor
is extended by the court by further order for good cause shown;
however, the time for filing the petition shall be 6 months from
the date of the decision of the juvenile caseworker if that
decision was to make an informal adjustment and that time may be
extended by the court by further order for good cause shown.

49 **Sec. 11. 15 MRSA §3303**, as amended by PL 1985, c. 439, §12,
51 is further amended to read:

1 **§3303. Dismissal of petition with prejudice**

3 On motion made by or on behalf of a juvenile, or by the
4 court itself, a petition shall be dismissed with prejudice if ~~it~~
5 the juvenile caseworker failed to make a decision within the time
6 limits set out in section 3301, subsection 1, or if the petition
7 was not filed within ~~6 months from the date the juvenile was~~
8 referred to the juvenile caseworker for an intake assessment
9 within the time limits set out in section 3301, subsection 6,
10 unless the prosecuting attorney, either before or after the
11 expiration of the 6-month relevant period, files a motion for an
12 extension of time ~~for the filing of a petition~~, accompanied by
13 the reasons for this extension. The court may for good cause
14 shown extend the time ~~for bringing a petition for any period of~~
15 ~~time that is less than the limitation established in section 3105.~~

17 **Sec. 12. 15 MRSA §3308, sub-§8 is enacted to read:**

19 **8. Petition to seal records.**

21 A. A person adjudicated to have committed a juvenile crime,
22 if at least 3 years has passed since the person's discharge
23 from the disposition ordered for that juvenile crime, may
24 petition the court to seal from public inspection all
25 records pertaining to the juvenile crime and its
26 disposition, and to any prior juvenile crimes and their
27 dispositions.

29 B. The court shall grant the petition only if the person
30 has not been adjudicated to have committed a juvenile crime
31 and has not been convicted of committing a crime since the
32 date of disposition and there are no current proceedings
33 against the person for a juvenile or other crime.

35 C. Notwithstanding the granting of a petition, records
36 shall remain open to the parties, the courts and criminal
37 justice agencies as provided by this section and any other
38 provision of law.

39 D. If a petition has been granted, the person may respond
40 to inquiries about the juvenile crimes, the records of which
41 have been sealed, if those inquiries come from other than
42 the courts and criminal justice agencies, as if the juvenile
43 crimes had never occurred, without being subject to any
44 penalties.

47 **Sec. 13. 15 MRSA §3310, sub-§1-A is enacted to read:**

49 1-A. Time of hearing. In the event that the juvenile is in
50 detention, the adjudicatory hearing shall take place within 12
51 working days from the date of filing the petition, unless the
time therefor is extended by the court by further order for good

1 cause shown. In the event that the juvenile is not in detention,
2 the adjudicatory hearing shall take place within 20 working days
3 from the date of filing the petition, unless the time therefor is
4 extended by the court by further order for good cause shown.

5
6 **Sec. 14. 15 MRSA §3312, sub-§1-A is enacted to read:**

7
8 1-A. Time of hearing. In the event that the juvenile is in
9 detention, the dispositional hearing shall take place within 20
10 working days from the date of filing the petition, unless the
11 time therefor is extended by the court by further order upon good
12 cause shown. In the event that the juvenile is not in detention,
13 the dispositional hearing shall take place within 30 working days
14 from the date of the adjudicatory hearing, unless the time
15 therefor is extended by the court by further order upon good
16 cause shown.

17
18 **Sec. 15. 15 MRSA §3312-A is enacted to read:**

19 **§3312-A. Dismissal of case with prejudice**

20
21 On motion made by or on behalf of a juvenile, or by the
22 court itself, a case shall be dismissed with prejudice if either
23 the adjudicatory hearing or the dispositional hearing was not
24 held within the time limits required by this Title, unless the
25 prosecuting attorney either before or after the expiration of the
26 relevant time period files a motion for an extension of time,
27 accompanied by the reason for this extension. The court may for
28 good cause shown extend the time period. The filing of a motion
29 for continuance by or on behalf of the juvenile shall toll the
30 running of the time limits for the holding of the adjudicatory
31 and dispositional hearings.

32
33 **Sec. 16. 15 MRSA §3314, sub-§1, ¶C, as amended by PL 1985, c.**
34 **439, §15, is further amended to read:**

35
36 **C.** The court may commit a juvenile to the Department of
37 Corrections for placement in ~~a group home or residential~~
38 facility ~~when the continuation of the juvenile remaining in~~
39 his own home ~~would be contrary to the welfare of that~~
40 juvenile or ~~for the provision of services to a juvenile in~~
41 his own home or for any other placement which the department
42 deems appropriate.

43
44 **Sec. 17. 15 MRSA §3314, sub-§1, ¶D, as amended by PL 1983, c.**
45 **480, Pt. B, §18, is further amended to read:**

46
47 **D.** The court may commit a person over the age of 18 years
48 to the Department of Corrections if he the person is
49 adjudicated as having committed a juvenile crime prior to
50 attaining 18 years of age or upon revocation of probation
51 for any placement in ~~a group home or residential facility,~~

1 ~~er-for-the-provision-of~~ services ~~to-that-person-in-his-own~~
home which the department deems appropriate.

3
5 **Sec. 18. 15 MRSA §3314, sub-§1, ¶F,** as enacted by PL 1977, c.
520, §1, is repealed.

7 **Sec. 19. 15 MRSA §3314, sub-§1, ¶H,** as amended by PL 1987, c.
297, is repealed.

9
11 **Sec. 20. 15 MRSA §3314, sub-§2,** as amended by PL 1979, c. 681,
§32, is further amended to read:

13 2. **Suspended disposition.** The court may impose any of the
15 dispositional alternatives provided in subsection 1, and may
suspend its disposition and place the juvenile on a specified
17 period of probation which shall be subject to such provisions of
Title 17-A, section 1204, as the court may order and which shall
19 be administered pursuant to the provisions of Title 34 34-A,
chapter ~~121~~ 5, subchapter V-A IV.

21 Revocation of probation shall be governed by the procedure
23 contained in Title 17-A, sections 1205, 1205-A and 1206, except
that Title 17-A, section 1206, subsection 7-A, shall not apply,
25 ~~provided that a disposition under subsection 1, paragraph F, may
be modified to a disposition under subsection 1, paragraph H.~~

27 **Sec. 21. 15 MRSA §3314, sub-§3,** as enacted by PL 1981, c. 679,
§9, is amended to read:

29
31 3. **Disposition for violation of section 3103, subsection 1,**
paragraph F. When a juvenile has been adjudicated as having
33 committed the juvenile crime under section 3103, subsection 1,
paragraph F, the court may impose any of the dispositional
35 alternatives contained in subsection 1. ~~Any incarceration which
is imposed may be part of a disposition pursuant to subsection 1,
paragraph F or H. Any incarceration in a county jail shall be in
37 a county jail designated by the Department of Corrections as a
place for the secure detention of juveniles.~~ In addition, the
39 juvenile's license or permit to operate a motor vehicle, right to
operate a motor vehicle or right to apply for or obtain a license
41 shall be suspended by the court for a period of 180 days. The
43 period of suspension shall not be suspended by the court. The
court shall give notice of the suspension and take physical
45 custody of an operator's license or permit as provided in Title
29, section 2241-H. The court shall immediately transmit a
47 certified abstract of the suspension to the Secretary of State.
A further suspension may be imposed by the Secretary of State
pursuant to Title 29, section 1312-D, subsection 1-A.

49
51 **Sec. 22. 15 MRSA §3314, sub-§4,** as enacted by PL 1983, c. 581,
§2, is amended to read:

1 4. Medical support. Whenever the court commits a juvenile
2 to the ~~Maine-Youth-Center-or-to-the~~ Department of Human Services
3 or Department of Corrections ~~for-placement-in-a-foster-home,~~
4 ~~group-care-home-or-halfway-house,~~ it shall notify his the
5 juvenile's parents or legal guardian and, after hearing, may, as
6 justice may demand, require the parent or legal guardian to
7 provide medical insurance for or contract to pay the full cost of
8 any medical treatment which may be provided to the juvenile while
9 he the juvenile is committed.

11 **Sec. 23. 15 MRSA §3314, sub-§5,** as enacted by PL 1987, c. 400,
12 §3, is amended to read:

13 5. Support orders. Whenever the court commits a juvenile
14 to the Department of Human Services or to a relative or other
15 person, the court may order either or both parents of the
16 juvenile to pay a reasonable amount of support for the juvenile.
17 A parent may not be required to pay support for a juvenile during
18 any period when the juvenile resides in a placement made by the
19 ~~Maine-Youth-Center-or-a-county-jail~~ Department of Corrections.

21 **Sec. 24. 15 MRSA §3316, sub-§2, ¶A,** as amended by PL 1983, c.
22 480, Pt. B, §21, is further amended to read:

23 A. A commitment of a juvenile to the Department of
24 Corrections, ~~including--a--commitment--to--the--Maine--Youth~~
25 ~~Center,~~ pursuant to section 3314, shall be for an
26 indeterminate period not to extend beyond the juvenile's
27 18th birthday unless the court expressly further limits or
28 extends the indeterminate commitment, provided that the
29 court shall not limit the commitment to less than one year
30 nor extend the commitment beyond a juvenile's 21st birthday.
31 Nothing in this Part may be construed to prohibit the
32 provision to a juvenile following the expiration of his the
33 juvenile's term of commitment of services voluntarily
34 accepted by the juvenile and his the juvenile's parents,
35 guardian or legal custodian if the juvenile is not
36 emancipated; except that these services shall not be
37 extended beyond the juvenile's 21st birthday.

38 **Sec. 25. 34-A MRSA §1001, sub-§11,** as enacted by PL 1983, c.
39 459, §6, is amended to read:

40 11. Juvenile client. "Juvenile client" means a juvenile
41 committed to the ~~Maine-Youth-Center~~ department who is either
42 residing at the center Maine Youth Center or is under aftercare
43 supervision.

44 **Sec. 26. 34-A MRSA §3802, sub-§1, ¶¶A and C,** as enacted by PL
45 1983, c. 459, §6, are amended to read:

1 A. To detain juveniles ~~prior to Juvenile Court appearances~~
2 on the order of a juvenile caseworker or court order that
3 the juvenile be securely detained pursuant to Title 15, Part
4 6;

5 C. To rehabilitate juveniles ~~committed to it~~ placed in the
6 Maine Youth Center by the department on being adjudicated as
7 having committed a ~~juvenile crime under~~ to the department
8 pursuant to Title 15, section 3310 3314, subsection 5 1,
9 paragraph C.

11 **Sec. 27. 34-A MRSA §3805**, as amended by PL 1983, c. 581, §§47
12 and 59, is further amended to read:

15 **§3805. Placement**

17 1. **Eligibility.** Only a juvenile, as defined in Title 15,
18 section 3003, subsection 14, who is 11 years of age or older at
19 the time of ~~the court's disposition of the case~~ placement may be
20 ~~committed to~~ placed by the department in the center pursuant to
21 this subchapter and Title 15, ~~Part 6~~ section 3314, subsection 1,
22 paragraph C.

23 2. **Limitations.** No person may be ~~committed to~~ placed in the
24 center who is blind or who is a proper subject for any state
25 institution administered by the Department of Mental Health and
26 Mental Retardation.

27 3. **Certification.** When a person is ~~committed to~~ placed in
28 the center, the court making the commitment to the department
29 shall certify on the mittimus the person's birthplace, parentage
30 and legal residence.

31 **Sec. 28. 34-A MRSA §3807**, as amended by PL 1983, c. 581, §§48
32 and 59, is further amended to read:

33 **§3807. Department of Human Services custody**

34 1. **Suspension.** When the custody of a child at the time of
35 ~~commitment~~ placement is in the Department of Human Services, that
36 custody shall be temporarily suspended while the child is in the
37 Maine Youth Center.

38 2. **Reversion.** Upon ~~discharge or~~ placement on ~~after-care~~
39 aftercare status from the Maine Youth Center or termination of
40 placement in the center, the custody of the child shall revert to
41 the Department of Human Services, if the child is still under 18
42 years of age.

43 **Sec. 29. 34-A MRSA §3809-A**, as enacted by PL 1983, c. 581,
44 §§51 and 59, is amended to read:

1 **§3809-A. Commissioner's guardianship powers**

3 The commissioner has all the power which a guardian has over
5 his that guardian's ward and which a parent has over his that
7 parent's child as to person, allowable property which the
9 juvenile client has at the Maine Youth Center, earnings which the
11 juvenile client receives during his the juvenile client's stay at
13 the Maine Youth Center and for the rehabilitation of every
15 juvenile client. If a juvenile client is or becomes 18 years of
age while still under commitment, the statutory guardianship of
the commissioner over the juvenile client shall terminate, but
the juvenile client remains subject to the control of the
~~commissioner,~~ staff and rules of the center until placement in
the ~~expiration-of-the-period-of-commitment-or-until-discharge~~
~~from-the center~~ is terminated.

17 **Sec. 30. 34-A MRSA §3810, sub-§1**, as amended by PL 1983, c.
19 581, §§52 and 59, is further amended to read:

21 **1. Commissioner's powers.** During a juvenile client's
23 ~~commitment-to~~ placement in the center, the commissioner may, at
his the commissioner's discretion:

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

27 B. Upon prior mutual agreement, entrust the juvenile
29 client, for a period not exceeding the term of his the
juvenile client's commitment, to the care of:

31 (1) Any suitable person or persons;

33 (2) The Division of Probation and Parole;

35 (3) The Department of Human Services; or

37 (4) Some other public or private child care agency.

39 **Sec. 31. 34-A MRSA §3810-A** is enacted to read:

41 **§3810-A. Termination of placement**

43 **1. Termination.** The commissioner may cause the placement
45 of a juvenile client in the center to be terminated whenever the
commissioner determines that termination is in the best interests
of the client. That termination does not necessarily discharge
the client from commitment to the department.

47 **2. Return to the center.** If the commissioner is satisfied
49 at any time during the juvenile's commitment to the department
that the juvenile's best interests will be promoted by another
51 placement in the center, the commissioner may place the juvenile

1 in the center again, that placement being subject to this
2 subchapter.

3
4 **Sec. 32. 34-A MRSA §3811**, as amended by PL 1983, c. 581, §§53
5 and 59, is repealed.

6
7 **Sec. 33. 34-A MRSA §3812**, as enacted by PL 1983, c. 459, §6,
8 is repealed.

11

STATEMENT OF FACT

13

14 This bill implements those recommendations of the Juvenile
15 Corrections Planning Commission that relate to the Maine Juvenile
16 Code. Those recommendations and the reasons underlying them may
17 be found in the March 1, 1989, report of the commission entitled
18 "Juvenile Corrections in Maine - An Action Plan for the 1990's."

19

20 Section 1 of the bill widens the definition of "diagnostic
21 evaluation" to reflect both current practice and the need for
22 more comprehensive evaluations, to include both risk and needs
23 assessment of those juveniles referred by the Juvenile Court for
24 examination.

25

26 Section 2 makes it clear that a detention facility may be
27 secure by virtue of staff supervision as well as physical
28 barriers.

29

30 Sections 3 to 7 make the necessary changes to present laws
31 to eliminate the use of adult-serving jails for the detention of
32 juveniles, unless a juvenile has been bound over by a court to
33 stand trial as an adult and has been found by a court to require
34 detention as an adult. The responsibility for juvenile detention
35 is shifted from the counties to the State.

37

38 Sections 8 to 10 establish time limits for the taking of
39 various steps leading toward court proceedings for juveniles
40 alleged to have committed a juvenile crime. The time limits are
41 stricter if the juvenile is being detained pending those
42 proceedings. The time limits can be extended upon a showing of
43 good cause.

43

44 Section 11 provides that if there is a failure to meet one
45 of the time limits set forth in sections 8 to 10 without a
46 showing of good cause, the petition against the juvenile shall,
47 upon motion, be dismissed with prejudice.

49

50 Section 12 provides the means for a person to seal that
51 person's juvenile crime-related records from public inspection if
at least 3 years has passed from the end of that person's last
disposition with no further blemish on the person's record. The

1 section provides only that the records will be sealed from public
2 inspection so that the parties, the courts and criminal justice
3 agencies will still have access to them. The aim is to prevent
4 the person from being forever penalized in terms of job seeking
5 and the like because of a juvenile criminal history. The
6 provision spells this out by permitting the person to respond to
7 most inquiries about that criminal history as if there were none,
8 without any penalties.

9
10 Sections 13 and 14 set time limits for the holding of
11 adjudicatory and dispositional hearings, with the limits being
12 stricter for the juvenile who is in detention. The time limits
13 may be extended upon a showing of good cause.

14
15 Section 15 provides that if one of the time limits set out
16 in sections 13 or 14 is missed without a showing of good cause,
17 the case against the juvenile shall, upon motion, be dismissed
18 with prejudice.

19
20 Sections 16 to 18 provide that if a court wishes to commit a
21 juvenile to the Department of Corrections, that commitment shall
22 be for any placement or services the department deems
23 appropriate. Commitments directly to the Maine Youth Center and
24 commitments to the Department of Corrections for placement in a
25 group home are eliminated. This parallels the law regarding the
26 commitment of adults to the department.

27
28 Section 19 eliminates "shock sentences" of juveniles to
29 county jails.

30
31 Sections 20 to 24 amend various existing provisions to
32 reflect the elimination of county jail shock sentences and the
33 change in commitments to the department made in sections 16 to 18.

34
35 Sections 25 to 32 amend various provisions of the Maine
36 Revised Statutes, Title 34-A, to reflect changes made in Title 15
37 eliminating commitments directly to the Maine Youth Center.
38 Section 32 also reflects the recommendation that juveniles not be
39 kept in county jails.