

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to H.P. 1147, L.D. 1590, Bill, "An Act to Establish the Bureau of Juvenile Corrections"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is a need to begin the development of the plan for a system of juvenile correction services as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

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

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

A. Keep the juvenile client at the center; or

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

- 2 (1) Any suitable person or persons;
- 4 (2) The Division of Probation and Parole;
- 6 (3) The Department of Human Services; or
- 8 (4) Some other public or private child care agency; or
- 10
- 12 (5) The Bureau of Juvenile Corrections.

14 Sec. 2. 34-A MRSA c. 6 is enacted to read:

16 CHAPTER 6

18 BUREAU OF JUVENILE CORRECTIONS

20 §6001. Definitions

22 As used in this chapter, unless the context otherwise
indicates, the following terms have the following meanings.

24 1. Bureau. "Bureau" means the Bureau of Juvenile
Corrections.

26

28 2. Juvenile. "Juvenile" means a person under 18 years of
age or a person who is alleged to have committed or who is
adjudicated as having committed, while under 18 years of age, any
offense covered under Title 15, Part 6, regardless of whether at
the time of the proceeding the person is 18 years of age or older.

32 §6002. Policy

34

36 1. Services. It is the policy of the State to provide an
efficient, coordinated, comprehensive system of services to
juveniles and their families in order to promote the welfare of
juveniles and to protect the interests of society.

40 2. Principles. In providing this system of services, the
following principles shall be adhered to.

42

44 A. Services shall be responsive to both the treatment and
control needs of juveniles.

46 B. There shall be used the least restrictive alternative
appropriate to the needs of the individual juvenile and the
risk posed by that juvenile to society.

48

50 C. There shall be no depreciation of the seriousness of any
offense a juvenile has committed.

52

2 D. Efforts shall be made to build respect for the law.

4 E. Procedures shall be provided that assure that the civil rights of juveniles are recognized and protected.

6 **§6003. Establishment of bureau**

8 1. Duties. There is established, within the Department of Corrections, the Bureau of Juvenile Corrections. The bureau shall:

12 A. Strengthen the capacity of families, natural helping networks, self-help groups and other community resources to support and provide services to juveniles; and

16 B. Facilitate the planning, promotion, coordination, delivery and evaluation of a comprehensive system of services to juveniles and their families, that system to be organized on a regional basis throughout the State.

20 2. Planning. The department shall develop, by no later than January 1, 1991, a plan for the implementation of a system of services. The plan shall provide for the implementation of the system of services on a region by region basis, with a comprehensive range of services being implemented in each region in turn, as well as the separation of adult and juvenile probation services, with juvenile probation service being provided through the Bureau of Juvenile Corrections. The plan shall provide for the implementation of the system of services and the separation of adult and juvenile probation services throughout the State no later than January 1, 2000.

32 The plan shall address, but not be limited to, the following:

34 A. Services necessary to prevent juveniles from coming into contact with the juvenile criminal justice system, including advocacy services designed to lead to the development of community resources;

40 B. Intake services;

42 C. Services to divert juveniles who have come into contact with the juvenile criminal justice system out of that system, including advocacy services designed to lead to the development of community resources;

46 D. Detention services for juveniles, including both physically secure detention and staff secure detention;

50 E. Diagnostic evaluation services ordered by the Juvenile Court;

52

2 F. Predispositional investigations for the Juvenile Court;

4 G. Classification and case planning service to determine
the risks posed to society by and the treatment needs of
individual juveniles;

6 H. Juvenile probation and intensive supervision services;

8 I. Supervision services for juveniles who have been placed
in the community by the department, whether the placement is
residential or nonresidential, including placement on leave
or on entrustment from a residential facility;

10 J. Residential community care services, including foster
home placement, group home placement and shelter placement;

12 K. Nonresidential community care services, including
psychological counseling, substance abuse counseling, sex
offender counseling, tracker services and day care services;

14 L. Work and vocational services;

16 M. Educational services;

18 N. Secure, including physically secure and staff secure,
and nonsecure residential facilities;

20 O. Voluntary services for juveniles who have been
discharged from commitment to the department, who have
completed the period of probation or intensive supervision,
or who have otherwise been released from the control or
supervision of the department; and

22 P. Any other service provided for in this Title, in Title
15, Part 6, or in any other law, which service is designed
to prevent juveniles from coming into contact with the
juvenile criminal justice system or to deal with those
juveniles who do come into contact with the juvenile
criminal justice system.

24 3. Direction. The bureau shall be under the direction of
an associate commissioner of the department, who shall report
directly to the commissioner.

26 4. Employees. The bureau shall consist of such employees
as may be necessary to carry out its duties and functions.

28 **Sec. 3. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

30 1989-90 1990-91

2 **CORRECTIONS, DEPARTMENT OF**

4 **Bureau of Juvenile Corrections**

6	Positions	(2)	(2)
	Personal Services	\$41,627	\$57,722
8	All Other	1,500	2,000

10 Provides funds for planning
12 and clerical capability to
14 allow the Department of
16 Corrections to establish the
18 Bureau of Juvenile
18 Corrections and to plan
18 implementation of the
18 Juvenile Corrections Planning
18 Commission recommendations.

20	DEPARTMENT OF CORRECTIONS		
22	TOTAL	<u>\$43,127</u>	<u>\$59,722</u>

24 **Emergency clause.** In view of the emergency cited in the
24 preamble, this Act shall take effect when approved.'

26

28 **STATEMENT OF FACT**

30

30 This amendment repeals and replaces the original bill. It
32 adds an emergency preamble and emergency clause. It retains the
34 essential portions of the original bill. It implements
36 recommendations in the master plan of the Juvenile Corrections
36 Planning Commission as set forth in its final report. It
38 establishes the Bureau of Juvenile Corrections within the
38 Department of Corrections, in order to provide juvenile
40 corrections with a distinct identity for purposes of policy
42 development, budgeting and management.

40

40 The bureau's immediate function will be to develop a plan
42 for full implementation of the commission's recommendations by
42 January 1, 2000. The implementation plan is to be completed by
42 January 1, 1991.

Filed by Rep. Melendy of Rockland
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