

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1590

H.P. 1147

House of Representatives, May 10, 1989

Reported by Representative ANTHONY from the Juvenile Corrections Planning Commission pursuant to Resolve 1987, chapter 68.

Reference to the Joint Select Committee on Corrections suggested and printing ordered under Joint Rule 18.

Ed Pert

EDWIN H. PERT, Clerk

STATE OF MAINE

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

An Act to Establish the Bureau of Juvenile Corrections.



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

3 Sec. 1. 34-A MRSA §3810, sub-§1, as amended by PL 1983, c.
5 581, §§52 and 59, is further amended to read:

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

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

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

21 (1) Any suitable person or persons;

23 (2) ~~The Division of Probation and Parole~~ The Bureau of
25 Juvenile Corrections;

27 (3) The Department of Human Services; or

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

31 Sec. 2. 34-A MRSA §5001, sub-§5, as enacted by PL 1983, c.
33 459, §6, is repealed.

35 Sec. 3. 34-A MRSA §5401, as amended by PL 1985, c. 821, §27,
37 is further amended to read:

39 §5401. Establishment

41 There is established within the Department of Corrections a
43 Division of Probation and Parole which is charged with the
45 administration of probation and parole services and the Intensive
47 Supervision Program for adults within the State.

49 1. Director. The division is under the direction of the
51 Director of Probation and Parole.

2. Employees. The division consists of field probation and
parole officers, ~~---juvenile---caseworkers~~ and of such other
administrative employees as may be necessary in carrying out its
functions.

3. Sec. 4. 34-A MRSA §5402, sub-§2, ¶A, as enacted by PL 1985, c.
821, §28, is amended to read:

A. Promulgate and enforce rules for the field probation and
parole service, ~~---juvenile---caseworkers~~ and parole officers in
correctional facilities and for Intensive Supervision
Program officers;

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Sec. 5. 34-A MRSA §5402, sub-§2, ¶F, as enacted by PL 1983, c. 459, §6, is amended to read:

F. Cooperate closely with the board, the criminal and juvenile courts, the chief administrative officers of correctional facilities and other correctional facility personnel;

Sec. 6. 34-A MRSA §5402, sub-§2, ¶K, as amended by PL 1985, c. 821, §28, is further amended to read:

K. Provide instruction and training courses for probation and parole officers, and for Intensive Supervision Program officers ~~and for juvenile caseworkers~~; and

Sec. 7. 34-A MRSA §5402, sub-§3, ¶A, as enacted by PL 1983, c. 459, §6, is repealed.

Sec. 8. 34-A MRSA §5601, as enacted by PL 1983, c. 459, §6, is repealed.

Sec. 9. 34-A MRSA §5602, as repealed and replaced by PL 1985, c. 439, §22, is repealed.

Sec. 10. 34-A MRSA c. 6 is enacted to read:

CHAPTER 6

BUREAU OF JUVENILE CORRECTIONS

§6001. Definitions

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

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

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.

§6002. Policy

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.

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

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

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

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

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

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

13 §6003. Establishment of bureau

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

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

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

24 2. Planning. The department shall develop, by no later
25 than January 1, 1991, a plan for implementation of the system of
26 services described in subsection 1, paragraph B. The plan shall
27 provide for the implementation of the system of services on a
28 region by region basis, with a comprehensive range of services
29 being implemented in each region in turn. The plan shall provide
30 for the implementation of the system of services throughout the
31 State no later than January 1, 2000.

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

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

37 §6004. Services and functions

1 1. Services. As resources permit, the bureau shall
2 provide, directly or through purchase or contract or by grants to
3 public or private agencies, a system of services appropriate to
4 juveniles and their families, these services include, but are not
5 limited to, the following:

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

11 B. Intake services;

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

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

21 E. Diagnostic evaluation services ordered by the Juvenile
22 Court;

25 F. Predispositional investigations for the Juvenile Court;

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

31 H. Juvenile probation and intensive supervision services;

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

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

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

45 L. Work and vocational services;

47 M. Educational services;

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

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

7 P. Any other service provided for in this Title, in Title
9 15, Part 6, or in any other law, which service is designed
11 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.

13 2. Functions. All juvenile-related functions of the
15 department, including those of the Division of Probation and
17 Parole and the Maine Youth Center, shall be performed through the
 Bureau of Juvenile Corrections.

19 §6005. Prohibited acts

21 A person 18 years of age or older is guilty of interference
23 with supervision if that person willfully obstructs, intimidates
25 or otherwise abets a juvenile under the supervision of the bureau
27 and thereby causes or contributes to causing the juvenile to
 violate the conditions of supervision, after having been warned
 in writing by the commissioner to end the relationship or
 association with the juvenile.

29 1. Class E crime. Interference with supervision is a Class
31 E crime.

33 2. Application. This section applies to interferences with
35 the supervision of juveniles who are under the supervision of the
 bureau:

37 A. Pursuant to informal adjustment, pursuant to Juvenile
39 Court placement on probation or intensive supervision or
41 pursuant to a departmental placement, whether the placement
 is residential or nonresidential, including placement on
 leave or entrustment from a residential facility; or

43 B. At the request of other states under terms of the
 Uniform Interstate Compact on Juveniles.

45 §6006. Interagency agreements and coordination

47 1. Agreements. The department may enter into agreements
49 with state agencies, other public agencies and private nonprofit
51 agencies to provide supervision or other services to juveniles
 for whom it is responsible.

1 A. The terms of the agreements, including any payments to
3 be made by the department for the services provided, shall
 be set forth in writing.

5 B. Any agreement made under this section may be terminated
7 upon 90 days' written notice by either party to the
 agreement.

9 2. Coordination. The department shall, whenever
11 appropriate, coordinate with other state agencies responsible for
 providing services to juveniles.

13 §6007. Juvenile caseworker

15 1. Departmental employees. A juvenile caseworker is an
17 employee of the department.

19 2. Juvenile caseworker's functions. A juvenile
 caseworker's functions are:

21 A. To serve as a juvenile probation and intensive
23 supervision officer;

25 B. To carry out all functions of a juvenile caseworker
 delineated in Title 15, Part 6;

27 C. To provide appropriate services to juveniles who have
29 been placed in the community by the department, whether the
31 placement is residential or nonresidential, including
 placement on leave or on entrustment from a residential
 facility; and

33 D. To carry out all other functions assigned by the
35 department.

37 3. Juvenile caseworker's duties. A juvenile caseworker
 shall:

39 A. Make such investigations as the Juvenile Court may
41 direct and shall keep written records of the investigations
 as the Juvenile Court may direct;

43 B. Use all suitable means, including counseling, to aid
45 each juvenile under supervision and shall perform such
47 duties in connection with the supervision of juveniles as
 the court may direct;

49 C. Remain informed as to the condition and conduct of each
51 juvenile placed under supervision and report on the
 condition and conduct to the court and to the department as
 the court or department may direct; and

1 D. When a juvenile is placed under the caseworker's
3 supervision, give the juvenile a written statement of the
5 conditions of supervision and fully explain the conditions
7 to the juvenile.

9 4. Juvenile caseworker's powers. Juvenile caseworkers
11 shall have the power to arrest in the following circumstances:

13 A. If the caseworker has probable cause to believe that a
15 juvenile has violated a condition of departmental placement
17 in the community, whether the placement is residential or
19 nonresidential, including placement on leave or entrustment
21 from a residential facility;

23 B. If the caseworker has probable cause to believe that a
25 juvenile under the supervision of the bureau has violated a
27 condition of probation or intensive supervision; and

29 C. In any other circumstance in which an arrest power is
31 given to the caseworker by law.

33 **Sec. 11. Effective date.** The Maine Revised Statutes, Title
35 34-A, sections 6004 to 6007, and sections 2 to 10 of this Act
37 shall take effect on October 1, 1991.

39 STATEMENT OF FACT

41 This bill implements recommendations in the master plan of
43 the Juvenile Corrections Planning Commission as put forth in its
45 final report. It establishes the Bureau of Juvenile Corrections
47 within the Department of Corrections, in order to provide
49 juvenile corrections with a distinct identity for purposes of
policy development, budgeting and management.

The bureau's immediate function will be to develop a plan
for full implementation of the commission's recommendations by
January 1, 2000. The implementation plan is to be completed by
January 1, 1991. Other duties of the bureau, as specified in
this bill, become effective on October 1, 1991. This delay
allows adequate time for the planning and appropriations process.

Section 1 of the bill adjusts the wording of the entrustment
provision to account for the new departmental structure.

Section 2 eliminates the definition of juveniles from the
current chapter on probation and parole, so that it applies to
adults only.

1 Section 3 revises the description of the Division of
3 Probation and Parole to make it clear that it supervises adults
only.

5 Sections 4 to 7 adjust the description of the duties and
7 powers of the Division of Probation and Parole to account for the
new department structure.

9 Sections 8 and 9 repeal juvenile provisions in the current
11 laws governing the Division of Probation and Parole, replaced by
equivalent language as specified in Title 34-A, sections 6006 to
13 6007.

15 The Maine Revised Statutes, Title 34-A, sections 6001 to
6003 shall take effect 90 days after the end of the legislative
17 session.

19 Title 34-A, section 6001 adds needed definitions.

21 Title 34-A, section 6002, sets forth as state policy that
23 correctional services to juveniles should be comprehensive,
coordinated and efficient, and establishes principles to guide
the provision of juvenile correctional services.

25 Title 34-A, section 6003, establishes the Bureau of Juvenile
27 Corrections. It requires the Department of Corrections to
develop by January 1, 1991, a plan for implementation of an
29 integrated system of services, implementation to be complete by
January 1, 2000.

31 Title 34-A, sections 6004 to 6007, and sections 1 to 9 of
33 this bill have an effective date of October 1, 1991.

35 Title 34-A, section 6004, sets out the services to be
37 provided to juveniles by the department, as resources permit, and
the role of the bureau in providing those services.

39 Title 34-A, section 6005, prohibits interference with the
41 bureau's supervision of a juvenile, which replaces an equivalent
provision in the current law that refers to the Division of
Probation and Parole.

43 Title 34-A, section 6006, provides for interagency
45 agreements and coordination, which replaces an equivalent
provision in the current law.

47 Title 34-A, section 6007, defines the role, functions and
49 duties of juvenile caseworkers, which replaces an equivalent
provision in the current law.

51 Section 11 establishes an effective date of October 1, 1991
for Title 34-A, sections 6004 to 6007, and sections 1 to 9.